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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LAWRENCE HILDES, KAREN WEILL,
LEGRAND JONES and WES HAMILTON,
Plaintiffs,

vs.

CITY OF SEATTLE; SEATTLE POLICE
DEPARTMENT; THE LAW
ENFORCEMENT INTELLIGENCE UNIT
TUKWILA POLICE DEPARTMENT,
BURIEN POLICE DEPARTMENT,
RENTON POLICE DEPARTMENT,
REDMOND POLICE DEPARTMENT,
KING COUNTY SHERIFF'S OFFICE,
CAPTAIN MICHAEL SANFORD,
individually and in his official capacity as a
CAPTAIN OF THE SEATTLE POLICE
DEPARTMENT; and JANE DOE SANFORD,
his wife, and the marital community there of;
CHIEF R. GIL KERLIKOWSKI individually
and in his capacity as the CHIEF of the
SEATTLE POLICE DEPARTMENT and JANE
DOE KERLIKOWSKI and the marital
community composed thereof; CLARK
KIMERER, individually and in his capacity as a
DEPUTY CHIEF of the SEATTLE POLICE
DEPARTMENT And JANE DOE KIMERER
and the marital community composed thereof;
ASSISTANT CHIEF JIM PUGEL, individually
and in his official capacity as an ASST. CHIEF of

CASE NO.

COMPLAINT FOR CIVIL RIGHTS
VIOLATIONS UNDER 42 USC 1983;
BATTERY, ASSAULT, TRESPASS TO
CHATTEL, CONVERSION, INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS



06-CV-00707-CMP

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ORIGINAL

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SEA 1301 N Liss

1 the SEATTLE POLICE DEPARTMENT and
 2 JANE DOE PUGEL and the marital community
 3 composed thereof; STEVE WILSKE,
 4 individually and in his Official capacity as a
 5 LIEUTENANT OF THE SEATTLE
 6 POLICE DEPARTMENT, and JANE DOE
 7 WILSKE and the marital community
 8 composed thereof; J.K. DYMENT,
 9 individually and in her Official capacity as a
 10 SERGEANT of the SEATTLE
 11 POLICE DEPARTMENT AND JOIN DOE
 12 DYMENT, and the marital community
 13 composed thereof; A.C. PRICE,
 14 individually and in his Official capacity as a
 15 SERGEANT OF the SEATTLE POLICE
 16 DEPARTMENT, and JANE DOE PRICE and the
 17 marital community composed thereof; G.
 18 CALDER, individually and in his Official
 19 capacity as a LIEUTENANT of the SEATTLE
 20 POLICE DEPARTMENT and JANE DOE
 21 CALDER and the marital community
 22 composed thereof; J.J. JANKAUSKAS,
 23 individually and in his official capacity as a
 24 LIEUTENANT of the SEATTLE POLICE
 25 DEPARTMENT and JANE DOE
 JANKAUSKAS, and the marital
 community thereof; M.A. COOMES,
 individually and in his Official capacity
 as a SERGEANT of the SEATTLE POLICE
 DEPARTMENT and JANE DOE COOMES and
 the marital community thereof; D.R. LOWE,
 individually and in his Official capacity as a
 SERGEANT of the SEATTLE POLICE
 DEPARTMENT and JANE DOE LOWE and the
 marital community thereof; J.J. MAGAN
 ,
 individually and in his official capacity
 as a SERGEANT of the SEATTLE POLICE
 DEPARTMENT and JANE DOE MAGAN and
 the marital community thereof; SGT. BRADY,
 individually and in his Official capacity as a
 SERGEANT of the SEATTLE POLICE
 DEPARTMENT, and JANE DOE BRADY and
 the marital community thereof; SGT.
 BROTHERTON, individually and in his Official

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ISAK BRESSLER
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capacity as a SERGEANT of the SEATTLE
 POLICE DEPARTMENT, and JANE DOE
 BROTHERTON and the marital community
 thereof; DETECTIVE R. ROMERO,
 individually and in his Official capacity as a
 DETECTIVE of the SEATTLE POLICE
 DEPARTMENT and JANE DOE ROMERO and
 the marital community thereof; P.C. WALL,
 individually and in his Official capacity as an
 OFFICER of the SEATTLE POLICE
 DEPARTMENT, and JANE DOE WALL and
 the marital Community thereof; D.D.
 DARNALI, individually and in his Official
 capacity as an OFFICER of the SEATTLE
 POLICE DEPARTMENT, and JANE DOE
 DARNALL and the marital community thereof;
 R. NELSON, individually and in his Official
 capacity as an OFFICER of the SEATTLE
 POLICE DEPARTMENT and JANE DOE
 NELSON and the marital community thereof G.
 NELSON, individually and in his Official
 capacity as a SERGEANT of the SEATTLE
 POLICE DEPARTMENT, and JANE DOE
 NELSON and the marital Community thereof;
 MATTHEW M. DIESZI, Individually and in his
 Official capacity as an Officer of the SEATTLE
 POLICE DEPARTMENT and JANE DOE
 DIESZI and the marital community thereof; K.
 SWANK, individually and in his Official capacity
 as an OFFICER of the SEATTLE POLICE
 DEPARTMENT and JANE DOE SWANK and
 the marital community thereof; TAD K.
 WILLOUGHBY, individually and in his Official
 capacity as a SERGEANT of the SEATTLE
 POLICE DEPARTMENT, and JANE DOE
 WILLOUGHBY and the marital community
 thereof; MICHAEL WHIDBEY, individually and
 in his Official capacity as a DETECTIVE of the
 SEATTLE POLICE DEPARTMENT and JANE
 DOE WHIDBEY and the marital community
 thereof; VERNER O'QUIN, individually and in
 his Official capacity as a SERGEANT of the
 SEATTLE POLICE DEPARTMENT and JANE
 DOE O'QUIN and the marital community

1 thereof; SGT. JANDOC, individually and in his
 2 Official capacity as a SERGEANT of the
 3 SEATTLE POLICE DEPARTMENT and JANE
 4 DOE JANDOC and the marital community
 5 thereof; OFFICER LANDERS, individually and
 6 in his Official capacity as an Officer of the
 7 SEATTLE POLICE DEPARTMENT and JANE
 8 DOE LANDERS and the marital community
 9 thereof; LOREN R. STREET individually and in
 10 his Official capacity as an OFFICER of the
 11 SEATTLE POLICE DEPARTMENT and JANE
 12 DOE STREET and the marital community
 13 thereof; P.J. FOX, individually and in his Official
 14 capacity as an OFFICER of the SEATTLE
 15 POLICE DEPARTMENT, and JANE DOE FOX
 16 and the marital community thereof; THOMAS M.
 17 MOONEY, individually and in his Official
 18 capacity as an OFFICER of the SEATTLE
 19 POLICE DEPARTMENT, and JANE DOE
 20 MOONEY and the marital community thereof; K.
 21 ZEIGER, individually and in his Official
 22 capacity as an OFFICER of the SEATTLE
 23 POLICE DEPARTMENT, and JANE DOE
 24 ZEIGER and the marital community thereof; J.J.
 25 LEE, individually and in his Official capacity as
 an OFFICER of the SEATTLE POLICE
 DEPARTMENT, and JANE DOE LEE and the
 marital community thereof; RIK K. HALL,
 individually and in his Official capacity as an
 OFFICER of the SEATTLE POLICE
 DEPARTMENT, and JANE DOE HALL and
 the marital community thereof; M. LANZ,
 individually and in his Official capacity as an
 OFFICER OF THE SEATTLE POLICE
 DEPARTMENT, and JANE DOE LANZ and the
 marital community thereof; PATRICIA A.
 MACDONALD, individually and in her capacity
 as an OFFICER of the SEATTLE POLICE
 DEPARTMENT and JOHN DOE
 MACDONALD and the marital community
 thereof; WALTER M. HAYDEN, individually
 and in his Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE HAYDEN and the marital community

1 thereof; MARK A. GRINSTEAD, individually
 2 and in his Official capacity as an Officer of the
 3 SEATTLE POLICE DEPARTMENT, and JANE
 4 DOE GRINSTEAD and the marital community
 5 thereof; TOMMIE M. DORAN, individually and
 6 in his Official capacity as an OFFICER of the
 7 SEATTLE POLICE DEPARTMENT and JANE
 8 DOE DORAN and the marital community
 9 thereof; ADRIAN Z. DIAZ, individually and in
 10 his Official capacity as a SERGEANT of the
 11 SEATTLE POLICE DEPARTMENT, and JANE
 12 DOE DIAZ and the marital community thereof;
 13 CHAD L. MCLAUGHLIN, individually and in
 14 his Official capacity as an OFFICER of the
 15 SEATTLE POLICE DEPARTMENT, and JANE
 16 DOE MCLAUGHLIN and the marital
 17 community thereof; BRAD CONWAY,
 18 individually and in his Official capacity as an
 19 Officer of the SEATTLE POLICE
 20 DEPARTMENT, and JANE DOE CONWAY
 21 and the marital community thereof; MATTHEW
 22 BRADRICK, individually and in his Official
 23 capacity as an OFFICER of the SEATTLE
 24 POLICE DEPARTMENT, and JANE DOE
 25 BRADRICK and the marital community thereof;
 DAVID FITZGERALD, individually and in his
 Official Capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT and JANE
 DOE FITZGERALD and the marital community
 thereof; RANDALL A. JOKELA, individually
 and in his Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE JOKELA and the marital community
 thereof; GEORGE HISSUNG JR, individually
 and in his Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE HISSUNG and the marital community
 thereof; JASON G. DRUMMOND, individually
 and in his Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE DRUMMOND and the marital community
 thereof; JOHN A. DIAZ, individually and in his
 Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE

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DOE DIAZ and the marital community thereof;
 OFFICER MCCRAE, individually and in his
 Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE MCCRAE and the marital community
 thereof JAMES B. PATCHEN, individually and
 in his Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT and JANE
 DOE PATCHEN and the marital community
 thereof; MICHAEL M. SUDDUTH, individually
 and in his Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE SUDDUTH and the marital community
 thereof; WILLIE WILLIAMS, individually and
 in his Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE WILLIAMS and the marital community
 thereof; W. CRAVENS, individually and in his
 Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE CRAVENS and the marital community
 thereof; R. BOURNES, individually and in his
 Official capacity as an OFFICER of the
 SEATTLE POLICE DEPARTMENT, and JANE
 DOE BOURNES and the marital community
 thereof; MARK L. WORSTMAN, individually
 and in his Official capacity as a SERGEANT of
 the SEATTLE POLICE DEPARTMENT, and
 JANE DOE WORSTMAN, BILL GARDINER,
 individually and in his Official capacity as a
 LIEUTENANT of the WASHINGTON STATE
 PATROL, and JANE DOE GARDINER and the
 marital community thereof; MARK W.
 LAMOREAUX, individually and in his Official
 capacity as a LIEUTENANT of the
 WASHINGTON STATE PATROL, and JANE
 DOE LAMOREAUX and the marital community
 thereof; SHAWN BERRY, individually and in
 his Official capacity as a DETECTIVE of the
 WASHINGTON STATE PATROL, and JANE
 DOE BERRY and the marital community
 thereof; JAMES A. CHROMFY, individually and
 in his Official capacity as a LIEUTENANT of the
 WASHINGTON STATE PATROL, and JANE

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DOE CIROMEY and the marital community thereof; DAVID W. BOURLAND, individually and in his Official capacity as a TROOPER of the WASHINGTON STATE PATROL, and JANE DOE BOURLAND and the marital community thereof; CURT G. BOYLE, individually and in his Official capacity as a TROOPER of the WASHINGTON STATE PATROL, and JANE DOE BOYLE and the marital community thereof; RICARDO BRITO, individually and in his Official capacity as a TROOPER of the WASHINGTON STATE PATROL, and JANE DOE BRITO and the marital community thereof; DARIN F. DE RUWE, individually and in his Official capacity as a TROOPER of the WASHINGTON STATE PATROL, and JANE DOE DE RUWE and the marital community thereof; BRYAN R. DUCOMMUN, individually and in his Official capacity as a TROOPER of the WASHINGTON STATE PATROL, and JANE DOE DUCOMMUN and the marital community thereof; ANN E. DUTTON, individually and in her Official Capacity as a DETECTIVE of the WASHINGTON STATE PATROL, and JOHN DOE DUTTON and the marital community thereof; KEVIN L. FORRESTER, individually and in his Official capacity as a DETECTIVE of the WASHINGTON STATE PATROL, and JANE DOE FORRESTER and the marital community thereof; JOEL W. GORDON, individually and in his Official capacity as a DETECTIVE of the WASHINGTON STATE PATROL, and JANE DOE GORDON and the marital community thereof; CHRIS T. GUNDERMANN, individually and in his Official capacity as a SERGEANT of the WASHINGTON STATE PATROL, and JANE DOE GUNDERMANN and the marital community thereof; JOI J. HANER, individually and in her Official capacity as a TROOPER of the WASHINGTON STATE PATROL, and JOHN DOE HANER and the marital community thereof; ROGER D. HANSBERRY, individually and in his Official

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capacity as a TROOPER of the WASHINGTON
 STATE PATROL, and JANE DOE
 HANSBERRY and the marital community
 thereof; RUSSELL J. HANSON, individually and
 in his Official capacity as a TROOPER of the
 WASHINGTON STATE PATROL, and JANE
 DOE HANSON and the marital community
 thereof; JEFFREY R. KERSHAW, individually
 and in his Official capacity as a DETECTIVE of
 the WASHINGTON STATE PATROL, and
 JANE DOE KERSHAW and the marital
 community thereof; DANIEL L. MANN,
 individually and in his Official capacity as a
 DETECTIVE of the WASHINGTON STATE
 PATROL, and JANE DOE MANN and the
 marital community thereof; GEORGE R. MARS,
 JR., individually and in his Official capacity as a
 DETECTIVE of the WASHINGTON STATE
 PATROL, and JANE DOE MARS and the
 marital community thereof; JOHN G.
 MCMULLEN, individually and in his Official
 capacity as a TROOPER of the WASHINGTON
 STATE PATROL and JANE DOE
 MCMULLEN and the marital community
 thereof; DARRELL R. NOYES, individually and
 in his Official capacity as a TROOPER of the
 WASHINGTON STATE PATROL, and JANE
 DOE NOYES and the marital community
 thereof; STEVEN E. REEVES, individually and
 in his Official capacity as a TROOPER of the
 WASHINGTON STATE PATROL and JANE
 DOE REEVES and the marital community
 thereof; WESLEY H. RETHWILL, individually
 and in his Official capacity as a SERGEANT of
 the WASHINGTON STATE PATROL, and
 JANE DOE RETHWILL and the marital
 community thereof; CRAIG L. SAHLINGER,
 individually and in his Official capacity as a
 TROOPER of the WASHINGTON STATE
 PATROL, and JANE DOE SAHLINGER and the
 marital community thereof; DAVID J.
 BROWNE, individually and in his Official
 capacity as a SERGEANT of the
 WASHINGTON STATE PATROL, and JANE

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DOE BROWNE and the marital community thereof; GARY D. GASSELLING, individually and in his Official capacity as a SERGEANT of the WASHINGTON STATE PATROL, and JANE DOE GASSELLING and the marital community thereof; PAUL M. STANEK III., individually and in his Official capacity as a DETECTIVE of the WASHINGTON STATE PATROL, and JANE DOE STANEK and the marital community thereof; RICHARD A. TAYLOR, individually and in his Official capacity as a DETECTIVE of the WASHINGTON STATE PATROL, and JANE DOE TAYLOR and the marital community thereof; GARY M. WILCOX, individually and in his Official capacity as a DETECTIVE of the WASHINGTON STATE PATROL, and JANE DOE WILCOX and the marital community thereof; OREST D. WILSON, individually and in his Official capacity as a DETECTIVE of the WASHINGTON STATE PATROL, and JANE DOE WILSON and the marital community thereof; RONALD W. SERPAS, individually and in his Official capacity as the CHIEF of the WASHINGTON STATE PATROL, and JANE DOE SERPAS and the marital community thereof; DANIEL E. EIKEM, individually and in his official capacity as a CAPTAIN of the WASHINGTON STATE PATROL, and JANE DOE EIKEM and the marital community thereof; STEVEN D. MCCULLEY, individually and in his Official capacity as a LIEUTENANT of the WASHINGTON STATE PATROL, and JANE DOE MCCULLEY and the marital community thereof; VANCE PROCTER; and DOES 1-5000.

Defendants.

LAWRENCE HILDES, KAREN WEILL, LEGRAND JONES and WES HAMILTON, the Plaintiffs herein, by and through their attorneys, allege as follows:

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I. INTRODUCTION

1.1 Plaintiffs are citizens of Washington who attended a demonstration which took place in downtown Seattle on the evening of June 2, 2003. The Plaintiffs were there to act as legal observers of the planned protest of policies and actions of an organization called the Law Enforcement Intelligence Unit (LEIU), which had gathered intelligence on lawful activists. All of the Plaintiffs exercised their First Amendment rights by doing their duties as legal observers in full accordance with the law. Yet, without provocation or legitimate law enforcement purpose, and without reasonable or adequate warning, the Seattle Police Department and its agents used excessive force against the Plaintiffs and made an unreasonable seizure of the Plaintiffs by violating their rights under the Fourth, and Fourteenth Amendments to the United States Constitution; and rights under the Washington Constitution, the Seattle Police Department unreasonably interfered with Plaintiffs' First Amendment Rights and as a result Plaintiffs were chilled in the future exercise of their First Amendment Rights. The Seattle Police Department assaulted and battered Plaintiffs by 1) dousing them with chemical weapons including OC sprayed at close range, including directly into their faces and/or 2) shooting rubber bullets and other projectiles including "wooden dowels", "flying batons", and "pepper-balls" at Plaintiffs at close range, directly hitting Plaintiff Hildes, and/or 3) Striking Plaintiffs with hands, feet, batons, bicycles, and other instruments. These actions caused Plaintiffs serious physical and emotional harm, detriment and suffering. Defendants specifically targeted Plaintiffs, who were readily identifiable in bright green t-shirts and hats that prominently displayed the words "NATIONAL LAWYERS GUILD LEGAL OBSERVERS" across them.

1.2 The Seattle Police Department has a pattern and practice of flagrantly violating peaceful demonstrators' First Amendment Rights and using excessive force in other demonstrations held in Seattle, Washington on a continuing and regular basis. The Seattle Police Department also has a history of arresting and assaulting legal observers who are violating no

1 law, interfering with no police action, and simply doing their job.

2 1.3 Plaintiffs seek compensatory and punitive damages along with injunctive relief
3 and declaratory relief from the defendants pursuant to 42 USC § 1983, and compensatory
4 damages from the City of Seattle pursuant to the Washington Tort Claims Act.

5 1.4 Plaintiffs seek injunctive relief in the form of a court ordered ban on the use of
6 less lethal weaponry including chemical weapons, pepper-balls, rubber bullets, flying batons,
7 wooden dowels, stinger ball grenades, flash bang grenades and other related items for crowd
8 control of peaceful demonstrations, and in the form of restrictions on the way the Seattle Police
9 Department responds to and treats Legal Observers.

10 I. JURISDICTION
11

12 1. This court has jurisdiction over the subject matter of this action pursuant to Title 28,
13 United States Code Sections 1331, 1332, 1343, and 1367, and venue is properly set in the
14 Western District Federal Court pursuant to 28 U.S.C. 1391.
15

16 2. The claims upon which this suit is based occurred in this judicial district.

17 3. Plaintiffs are informed and believe, and on that basis allege, that each of the named
18 Defendants, except for VANCE PROCTER who is a resident of Los Angeles County, California,
19 reside in this judicial district, and all entity Defendants, except for the Law Enforcement
20 Intelligence Unit, which is a registered California non-profit, are registered and do business in
21 the District as their principal base of operations.
22

23 II. PARTIES
24

1.1 Plaintiff LAWRENCE HILDES is a married male residing in the State of Washington, County of Whatcom, in the Western District of Washington, who was acting lawfully within his First Amendment Rights as legal observer in a peaceful permitted demonstration. He was singled out for illegal and tortious treatment because he was clearly identified as a legal observer. He was struck by a less-lethal projectile and was exposed to pepper spray. He suffered severe physical and psychological harm and monetary loss as a direct result. The incidents herein alleged occurred in King County within the Western District of Washington.

1.2 Plaintiff KAREN WEILL is a married female residing in the State of Washington, County of Whatcom, in the Western District of Washington, who was acting lawfully within her First Amendment Rights as a legal observer of a peaceful permitted demonstration. She was singled out for illegal and tortious treatment because she was clearly identified as a legal observer. She was intentionally struck by a defendant officer's bicycle and exposed to pepper spray. As a direct result, she suffered severe physical and emotional harm. The incidents herein alleged occurred in King County within the Western District of Washington.

1.3 Plaintiff LEGRAND JONES is a married man residing primarily in the State of Washington, County of Thurston, in the Western District of Washington as acting lawfully within his First Amendment Rights as legal observer in a peaceful permitted demonstration. He was singled out for illegal and tortious treatment because he was clearly identified as a legal observer. He was exposed to pepper spray. He suffered severe physical and psychological harm and monetary loss as a direct result. The incidents herein alleged occurred in King County within the Western District of Washington.

1 1.4 Plaintiff WES HAMILTON is a single male residing primarily in the State of
2 Washington, County of Thurston, in the Western District of Washington, who was acting
3 lawfully within his First Amendment Rights as legal observer in a peaceful permitted
4 demonstration. He was singled out for illegal and tortious treatment because he was clearly
5 identified as a legal observer. He was exposed to pepper spray, and was struck repeatedly with
6 batons and other weapons by police, causing severe injuries and great pain. He suffered severe
7 physical and psychological harm and monetary loss as a direct result. The incidents herein
8 alleged occurred in King County within the Western District of Washington.
9

10
11 2.0 The CITY OF SEATTLE is a municipal corporation located within the Western
12 District of Washington, and organized under the laws of the State of Washington. The
13 SEATTLE POLICE DEPARTMENT is a sub-entity of the CITY OF SEATTLE.

14 2.1 The TUKWILA POLICE DEPARTMENT is a sub-entity of the City of Tukwila, a
15 municipal corporation located within the Western District of Washington, and organized under
16 the laws of the State of Washington.

17 2.2 The BURIEN POLICE DEPARTMENT is a sub-entity of the City of Burien, a
18 municipal corporation located within the Western District of Washington, and organized under
19 the laws of the State of Washington.

20 2.3 The RENTON POLICE DEPARTMENT is a sub-entity of the City of Renton, a
21 municipal corporation located within the Western District of Washington, and organized under
22 the laws of the State of Washington.
23
24

1 2.4 The REDMOND POLICE DEPARTMENT is a sub-entity of the City of Redmond, a
2 municipal corporation located within the Western District of Washington, and organized under
3 the laws of the State of Washington.

4 2.5 The KING COUNTY SHERIFF'S OFFICE is a sub-entity of the COUNTY OF
5 KING, a municipal corporation located within the Western District of Washington, and
6 organized under the laws of the State of Washington.

7 2.6 The LAW ENFORCEMENT INTELLIGENCE UNIT, herein after referred to as the
8 LEIU, is a private non-profit, registered in California, made up virtually entirely of public
9 employees of law enforcement agencies, that does substantial business in Washington, and
10 reasonably and purposely avails itself of the laws of the State of Washington, and was
11 purposefully involved in the incidents herein alleged, and therefore is subject to the jurisdiction
12 of this court.

13
14 2.7 Captain MICHAEL SANFORD and Jane Doe SANFORD constitute a marital
15 community under the laws of the State of Washington and upon belief reside within KING
16 County within the Western District of Washington State. Upon belief, MICHAEL SANFORD
17 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
18 CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT acting within the scope of his
19 duties as a CAPATIN of the SEATTLE POLICE DEPARTMENT, AND AS THE INCIDENT
20 COMMANDER for the event in question.

21
22 2.8 R. GIL KERLIKOWSKE and Jane Doe KERLIKOWSKE constitute a marital
23 community under the laws of the State of Washington and upon belief reside within KING
24 County within the Western District of Washington State. Upon belief, KERLIKOWSKE was at

1 the time of the injuries complained of in this complaint, an employee and/or agent of the CITY
2 OF SEATTLE and the SEATTLE POLICE DEPARTMENT acting within the scope of his duties
3 as the CHIEF of the SEATTLE POLICE DEPARTMENT.

4 2.9 DEPUTY CHIEF CLARK KIMERER and JANE DOE KIMERER constitute a
5 marital community under the laws of the State of Washington and upon belief reside within
6 KING County within the Western District of Washington State. Upon belief, CLARK
7 KIMERER was at the time of the injuries complained of in this complaint, an employee and/or
8 agent of the CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT acting within the
9 scope of his duties as a DEPUTY CHIEF of the SEATTLE POLICE DEPARTMENT.
10

11 2.10 ASSISTANT CHIEF JIM PUGEL and JANE DOE PUGEL constitute a marital
12 community under the laws of the State of Washington and upon belief reside within KING
13 County within the Western District of Washington State. Upon belief, Tim JANE DOE PUGEL
14 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
15 CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT acting within the scope of his
16 duties as an ASSISTANT CHIEF of the SEATTLE POLICE DEPARTMENT.

17 2.11 LIEUTENANT STEVE WILSKE and JANE DOE WILSKE constitute a marital
18 community under the laws of the State of Washington and upon belief reside within KING
19 County within the Western District of Washington State. Upon belief, STEVE WILSKE was at
20 the time of the injuries complained of in this complaint, an employee and/or agent of the CITY
21 OF SEATTLE and the SEATTLE POLICE DEPARTMENT acting within the scope of his duties
22 as a LIEUTENANT of the SEATTLE POLICE DEPARTMENT.
23
24

1 2.12 SERGEANT J.K. DYMENT and JOHN DOE DYMENT constitute a marital
2 community under the laws of the State of Washington and upon belief reside within KING
3 County within the Western District of Washington State. Upon belief, J.K. DYMENT was at the
4 time of the injuries complained of in this complaint, an employee and/or agent of the CITY OF
5 SEATTLE and the SEATTLE POLICE DEPARTMENT, acting within the scope of her duties as
6 a SERGEANT of the SEATTLE POLICE DEPARTMENT.

7
8 2.13 SERGEANT A.C. PRICE and JANE DOE PRICE constitute a marital community
9 under the laws of the State of Washington and upon belief reside within KING County within the
10 Western District of Washington State. Upon belief, A.C PRICE was at the time of the injuries
11 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
12 within the scope of his duties as a SERGEANT of the SEATTLE POLICE DEPARTMENT.

13 2.14 LIEUTENANT G. CALDER and JANE DOE CALDER constitute a marital
14 community under the laws of the State of Washington and upon belief reside within KING
15 County within the Western District of Washington State. Upon belief, G. CALDER was at the
16 time of the injuries complained of in this complaint, an employee and/or agent of the CITY OF
17 SEATTLE acting within the scope of his duties as a LIEUTENANT of the SEATTLE POLICE
18 DEPARTMENT.

19 2.15 LIEUTENANT J.J. JANKAUSKAS and JANE DOE JANKAUSKAS constitute a
20 marital community under the laws of the State of Washington and upon belief reside within
21 KING County within the Western District of Washington State. Upon belief, J.J.
22 JANKAUSKAS was at the time of the injuries complained of in this complaint, an employee
23
24

1 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
2 LIEUTENANT of the SEATTLE POLICE DEPARTMENT.

3 2.16 SERGEANT M.A. COOMES and JANE DOE COOMES constitute a marital
4 community under the laws of the State of Washington and upon belief reside within KING
5 County within the Western District of Washington State. Upon belief, M.A. COOMES was at
6 the time of the injuries complained of in this complaint, an employee and/or agent of the CITY
7 OF SEATTLE acting within the scope of his duties as a SERGEANT of the SEATTLE POLICE
8 DEPARTMENT.

9 2.17 SERGEANT D.R. LOWE and JANE DOE LOWE constitute a marital community
10 under the laws of the State of Washington and upon belief reside within KING County within the
11 Western District of Washington State. Upon belief, D.R. LOWE was at the time of the injuries
12 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
13 within the scope of his duties as a SERGEANT of the SEATTLE POLICE DEPARTMENT.

14 2.18 SERGEANT J.J. MAGAN and JANE DOE MAGAN constitute a marital
15 community under the laws of the State of Washington and upon belief reside within KING
16 County within the Western District of Washington State. Upon belief, J.J. MAGAN was at the
17 time of the injuries complained of in this complaint, an employee and/or agent of the CITY OF
18 SEATTLE acting within the scope of his duties as a SERGEANT of the SEATTLE POLICE
19 DEPARTMENT.

20 2.19 SERGEANT BRADY and JANE DOE BRADY constitute a marital community
21 under the laws of the State of Washington and upon belief reside within KING County within the
22 Western District of Washington State. Upon belief, SGT. BRADY was at the time of the injuries
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1 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
2 within the scope of his duties as a SERGEANT of the SEATTLE POLICE DEPARTMENT.

3 2.20 SERGEANT BROTHERTON and JANE DOE BROTHERTON constitute a
4 marital community under the laws of the State of Washington and upon belief reside within
5 KING County within the Western District of Washington State. Upon belief, SGT.
6 BROTHERTON was at the time of the injuries complained of in this complaint, an employee
7 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a SERGEANT
8 of the SEATTLE POLICE DEPARTMENT.

9
10 2.21 DETECTIVE R. ROMERO and JANE DOE ROMERO constitute a marital
11 community under the laws of the State of Washington and upon belief reside within KING
12 County within the Western District of Washington State. Upon belief, R. ROMERO was at the
13 time of the injuries complained of in this complaint, an employee and/or agent of the CITY OF
14 SEATTLE acting within the scope of his duties as a DETECTIVE of the SEATTLE POLICE
15 DEPARTMENT.

16 2.22 P.C. WALL and JANE DOE WALL constitute a marital community under the laws
17 of the State of Washington and upon belief reside within KING County within the Western
18 District of Washington State. Upon belief, P.C. WALL was at the time of the injuries
19 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
20 within the scope of his duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

21 2.23 D.D. DARNALL and JANE DOE DARNALL constitute a marital community
22 under the laws of the State of Washington and upon belief reside within KING County and
23 within the Western District of Washington State. Upon belief, D.D. DARNALL was at the time of
24

1 the injuries complained of in this complaint, an employee and/or agent of the CITY OF
2 SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
3 DEPARTMENT.

4 2.24 R. NELSON and JANE DOE NELSON constitute a marital community under the
5 laws of the State of Washington and upon belief reside within KING County within the Western
6 District of Washington State. Upon belief, R. NELSON was at the time of the injuries
7 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
8 within the scope of his duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.
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10 2.25 G. NELSON and JANE DOE NELSON constitute a marital community under the
11 laws of the State of Washington and upon belief reside within KING County within the Western
12 District of Washington State. Upon belief, G. NELSON was at the time of the injuries
13 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
14 within the scope of his duties as a SERGEANT of the SEATTLE POLICE DEPARTMENT.

15 2.26 MATTHEW M. DIESZI and JANE DOE DIESZI constitute a marital community
16 under the laws of the State of Washington and upon belief reside within KING County within the
17 Western District of Washington State. Upon belief, MATTHEW M. DIESZI was at the time of
18 the injuries complained of in this complaint, an employee and/or agent of the CITY OF
19 SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
20 DEPARTMENT.
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22 2.27 K. SWANK and JANE DOE SWANK constitute a marital community under the
23 laws of the State of Washington and upon belief reside within KING County within the Western
24 District of Washington State. Upon belief, K. SWANK was at the time of the injuries

1 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
2 within the scope of his duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

3 2.28 TAD K. WILLOUGHBY and JANE DOE WILLOUGHBY constitute a marital
4 community under the laws of the State of Washington and upon belief reside within KING
5 County within the Western District of Washington State. Upon belief, TAD K. WILLOUGHBY
6 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
7 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
8 POLICE DEPARTMENT.

9 2.29 MICHAEL WHIDBEY and JANE DOE WHIDBEY constitute a marital
10 community under the laws of the State of Washington and upon belief reside within KING
11 County within the Western District of Washington State. Upon belief, MICHAEL WHIDBEY
12 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
13 CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the SEATTLE
14 POLICE DEPARTMENT.

15 2.30 VERNER O'QUIN and JANE DOE O'QUIN constitute a marital community
16 under the laws of the State of Washington and upon belief reside within KING County within the
17 Western District of Washington State. Upon belief, VERNER O'QUIN was at the time of the
18 injuries complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE
19 acting within the scope of his duties as a SERGEANT of the SEATTLE POLICE
20 DEPARTMENT.

21 2.31 SGT. JANDOC and JANE DOE JANDOC constitute a marital community under
22 the laws of the State of Washington and upon belief reside within KING County within the
23

1 Western District of Washington State. Upon belief, SGT. JANDOC was at the time of the
2 injuries complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE
3 acting within the scope of his duties as a SERGEANT of the SEATTLE POLICE
4 DEPARTMENT.

5 2.32 OFFICER LANDERS and JANE DOE LANDERS constitute a marital community
6 under the laws of the State of Washington and upon belief reside within KING County within the
7 Western District of Washington State. Upon belief, OFFICER LANDERS was at the time of the
8 injuries complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE
9 acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
10 DEPARTMENT.

11 2.33 LOREN R. STREET and JANE DOE STREET constitute a marital community
12 under the laws of the State of Washington and upon belief reside within KING County within the
13 Western District of Washington State. Upon belief, LOREN R. STREET was at the time of the
14 injuries complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE
15 acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
16 DEPARTMENT.

17 2.34 P.J. FOX and JANE DOE FOX constitute a marital community under the laws of
18 the State of Washington and upon belief reside within KING County within the Western District
19 of Washington State. Upon belief, P.J. FOX was at the time of the injuries complained of in this
20 complaint, an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
21 duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.
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1 2.35 THOMAS M. MOONEY and JANE DOE MOONEY constitute a marital
2 community under the laws of the State of Washington and upon belief reside within KING
3 County within the Western District of Washington State. Upon belief, THOMAS M. MOONEY
4 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
5 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
6 POLICE DEPARTMENT.

7 2.36 K. ZEIGER and JANE DOE K. ZEIGER constitute a marital community under the
8 laws of the State of Washington and upon belief reside within KING County within the Western
9 District of Washington State. Upon belief, K. ZEIGER was at the time of the injuries
10 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
11 within the scope of his duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.
12

13 2.37 J.J. LEE and JANE DOE LEE constitute a marital community under the laws of
14 the State of Washington and upon belief reside within KING County within the Western District
15 of Washington State. Upon belief, J.J. LEE was at the time of the injuries complained of in this
16 complaint, an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
17 duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

18 2.38 RIK K. HALL and JANE DOE HALL constitute a marital community under the
19 laws of the State of Washington and upon belief reside within KING County within the Western
20 District of Washington State. Upon belief, RIK K. HALL was at the time of the injuries
21 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
22 within the scope of his duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.
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1 2.39 M. LANZ and JANE DOE LANZ constitute a marital community under the laws
2 of the State of Washington and upon belief reside within KING County within the Western
3 District of Washington State. Upon belief, M. LANZ was at the time of the injuries complained
4 of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting within the
5 scope of his duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

6 2.40 PATRICIA A. MACDONALD and JOHN DOE MACDONALD constitute a
7 marital community under the laws of the State of Washington and upon belief reside within
8 KING County within the Western District of Washington State. Upon belief, PATRICIA A.
9 MACDONALD was at the time of the injuries complained of in this complaint, an employee
10 and/or agent of the CITY OF SEATTLE acting within the scope of her duties as an OFFICER of
11 the SEATTLE POLICE DEPARTMENT.

12 2.41 WALTER M. HAYDEN and JANE DOE HAYDEN constitute a marital
13 community under the laws of the State of Washington and upon belief reside within KING
14 County within the Western District of Washington State. Upon belief, WALTER M. HAYDEN
15 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
16 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
17 POLICE DEPARTMENT.

18 2.42 MARK A. GRINSTEAD and JANE DOE GRINSTEAD constitute a marital
19 community under the laws of the State of Washington and upon belief reside within KING
20 County within the Western District of Washington State. Upon belief, MARK A. GRINSTEAD
21 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
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1 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
2 POLICE DEPARTMENT.

3 2.43 TOMMIE M. MORAN and JANE DOE MORAN constitute a marital community
4 under the laws of the State of Washington and upon belief reside within KING County within the
5 Western District of Washington State. Upon belief, TOMMIE M. MORAN was at the time of
6 the injuries complained of in this complaint, an employee and/or agent of the CITY OF
7 SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
8 DEPARTMENT.

9
10 2.44 ADRAIN Z. DIAZ and JANE DOE DIAZ constitute a marital community under
11 the laws of the State of Washington and upon belief reside within KING County within the
12 Western District of Washington State. Upon belief, ADIAN Z. DIAZ was at the time of the
13 injuries complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE
14 acting within the scope of his duties as a SERGEANT of the SEATTLE POLICE
15 DEPARTMENT.

16 2.45 CHAD L. MCLAUGHLIN and JANE DOE MCLAUGHLIN constitute a marital
17 community under the laws of the State of Washington and upon belief reside within KING
18 County within the Western District of Washington State. Upon belief, CHAD L.
19 MCLAUGHLIN was at the time of the injuries complained of in this complaint, an employee
20 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an OFFICER of
21 the SEATTLE POLICE DEPARTMENT.

22
23 2.46 BRAD CONWAY and JANE DOE CONWAY constitute a marital community
24 under the laws of the State of Washington and upon belief reside within KING County within the

1 Western District of Washington State. Upon belief, BRAD CONWAY was at the time of the
2 injuries complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE
3 acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
4 DEPARTMENT.

5 2.47 MATTHEW BRADRICK and JANE DOE BRADRICK constitute a marital
6 community under the laws of the State of Washington and upon belief reside within KING
7 County within the Western District of Washington State. Upon belief, MATTHEW BRADRICK
8 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
9 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
10 POLICE DEPARTMENT.

11 2.48 DAVID FITZGERALD and JANE DOE FITZGERALD constitute a marital
12 community under the laws of the State of Washington and upon belief reside within KING
13 County within the Western District of Washington State. Upon belief, DAVID FITZGERALD
14 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
15 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
16 POLICE DEPARTMENT.

17 2.49 RANDALL A. JOKELA and JANE DOE JOKELA constitute a marital
18 community under the laws of the State of Washington and upon belief reside within KING
19 County within the Western District of Washington State. Upon belief, RANDALL A. JOKELA
20 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
21 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
22 POLICE DEPARTMENT.

1 2.50 GEORGE HISSUNG, JR. AND JANE DOE HISSUNG constitute a marital
2 community under the laws of the State of Washington and upon belief reside within KING
3 County within the Western District of Washington State. Upon belief, GEORGE HISSUNG, JR.
4 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
5 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
6 POLICE DEPARTMENT.

7
8 2.51 JASON G. DRUMMOND AND JANE DOE DRUMMOND constitutes a marital
9 community under the laws of the State of Washington and upon belief resides within KING
10 County within the Western District of Washington State. Upon belief, JASON G. DRUMMOND
11 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
12 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
13 POLICE DEPARTMENT.

14 2.52 JOHN A. DIAZ and JANE DOE DIAZ constitute a marital community under the
15 laws of the State of Washington and upon belief reside within KING County within the Western
16 District of Washington State. Upon belief, JOHN A. DIAZ was at the time of the injuries
17 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
18 within the scope of his duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

19 2.53 OFFICER MCCRAE and JANE DOE MCCRAE constitute a marital community
20 under the laws of the State of Washington and upon belief reside within KING County within the
21 Western District of Washington State. Upon belief, OFFICER MCCRAE was at the time of the
22 injuries complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE
23

1 acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
2 DEPARTMENT.

3 2.54 JAMES B. PATCHEN and JANE DOE PATCHEN constitute a marital
4 community under the laws of the State of Washington and upon belief reside within KING
5 County within the Western District of Washington State. Upon belief, JAMES B. PATCHEN
6 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
7 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
8 POLICE DEPARTMENT.

9
10 2.55 MICHAEL M. SUDDUTH and JANE DOE SUDDUTH constitute a marital
11 community under the laws of the State of Washington and upon belief reside within KING
12 County within the Western District of Washington State. Upon belief, MICHAEL M.
13 SUDDUTH was at the time of the injuries complained of in this complaint, an employee and/or
14 agent of the CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the
15 SEATTLE POLICE DEPARTMENT.

16 2.56 WILLIE WILLIAMS and JANE DOE WILLIAMS constitute a marital
17 community under the laws of the State of Washington and upon belief reside within KING
18 County within the Western District of Washington State. Upon belief, WILLIE WILLIAMS was
19 at the time of the injuries complained of in this complaint, an employee and/or agent of the CITY
20 OF SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
21 DEPARTMENT.

22
23 2.57 W. CRAVENS and JANE DOE CRAVENS constitute a marital community under
24 the laws of the State of Washington and upon belief reside within KING County within the

1 Western District of Washington State. Upon belief, W. CRAVENS was at the time of the
2 injuries complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE
3 acting within the scope of his duties as an OFFICER of the SEATTLE POLICE
4 DEPARTMENT.

5 2.58 R. BOURNES and JANE DOE BOURNES constitute a marital community under
6 the laws of the State of Washington and upon belief reside within KING County within the
7 Western District of Washington State. Upon belief, R. BOURNES was at the time of the injuries
8 complained of in this complaint, an employee and/or agent of the CITY OF SEATTLE acting
9 within the scope of his duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.
10

11 2.59 MARK L. WORSTMAN and JANE DOE WORSTMAN constitute a marital
12 community under the laws of the State of Washington and upon belief reside within KING
13 County within the Western District of Washington State. Upon belief, MARK L. WORSTMAN
14 was at the time of the injuries complained of in this complaint, an employee and/or agent of the
15 CITY OF SEATTLE acting within the scope of his duties as a SERGEANT of the SEATTLE
16 POLICE DEPARTMENT.

17 2.60 BILL GARDINER and JANE DOE GARDINER constitute a marital community
18 under the laws of the State of Washington and upon belief reside within KING County within the
19 Western District of Washington State. Upon belief, BILL GARDINER was at the time of the
20 injuries complained of in this complaint, under a material aid agreement an employee and/or
21 agent of the CITY OF SEATTLE acting within the scope of his duties as a LIEUTENANT of the
22 WASHINGTON STATE PATROL.
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1 2.61 MARK W. LAMOREAUX and JANE DOE LAMOREAUX constitute a marital
2 community under the laws of the State of Washington and upon belief reside within KING
3 County within the Western District of Washington State. Upon belief, MARK W.
4 LAMOREAUX was at the time of the injuries complained of in this complaint, under a material
5 aid agreement an employee and/or agent of the CITY OF SEATTLE acting within the scope of
6 his duties as a LIEUTENANT of the WASHINGTON STATE PATROL.

7 2.62 SHAWN BERRY and JANE DOE BERRY constitute a marital community under
8 the laws of the State of Washington and upon belief reside within KING County within the
9 Western District of Washington State. Upon belief, SHAWN BERRY was at the time of the
10 injuries complained of in this complaint, under a material aid agreement an employee and/or
11 agent of the CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the
12 WASHINGTON STATE PATROL.

13 2.63 JAMES A. CHROMEY and JANE DOE CHROMEY constitute a marital
14 community under the laws of the State of Washington and upon belief reside within KING
15 County within the Western District of Washington State. Upon belief, JAMES A. CHROMEY
16 was at the time of the injuries complained of in this complaint, under a material aid agreement an
17 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
18 LIEUTENANT of the WASHINGTON STATE PATROL.

19 2.64 DAVID W. BOURLAND and JANE DOE BOURLAND constitute a marital
20 community under the laws of the State of Washington and upon belief reside within KING
21 County within the Western District of Washington State. Upon belief, DAVID W. BOURLAND
22 was at the time of the injuries complained of in this complaint, under a material aid agreement an
23

1 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
2 TROOPER of the WASHINGTON STATE PATROL.

3 2.65 CURT G. BOYLE and JANE DOE BOYLE constitute a marital community under
4 the laws of the State of Washington and upon belief reside within KING County within the
5 Western District of Washington State. Upon belief, CURT G. BOYLE was at the time of the
6 injuries complained of in this complaint, under a material aid agreement an employee and/or
7 agent of the CITY OF SEATTLE acting within the scope of his duties as a TROOPER of the
8 WASHINGTON STATE PATROL.

9
10 2.66 RICARDO BRITO and JANE DOE BRITO constitute a marital community under
11 the laws of the State of Washington and upon belief reside within KING County within the
12 Western District of Washington State. Upon belief, RICARDO BRITO was at the time of the
13 injuries complained of in this complaint, under a material aid agreement an employee and/or
14 agent of the CITY OF SEATTLE acting within the scope of his duties as a TROOPER of the
15 WASHINGTON STATE PATROL.

16 2.67 DARIN F. DE RUWE and JANE DOE DE RUWE constitute a marital community
17 under the laws of the State of Washington and upon belief reside within KING County within the
18 Western District of Washington State. Upon belief, DARIN F. DE RUWE was at the time of the
19 injuries complained of in this complaint, under a material aid agreement an employee and/or
20 agent of the CITY OF SEATTLE acting within the scope of his duties as a TROOPER of the
21 WASHINGTON STATE PATROL.

22
23 2.68 BRYAN R. DUCOMMUN and JANE DOE DUCOMMUN constitute a marital
24 community under the laws of the State of Washington and upon belief reside within KING

1 County within the Western District of Washington State. Upon belief, BRYAN R.
2 DUCOMMUN was at the time of the injuries complained of in this complaint, under a material
3 aid agreement an employee and/or agent of the CITY OF SEATTLE acting within the scope of
4 his duties as a TROOPER of the WASHINGTON STATE PATROL.

5 2.69 ANN E. DUTTON and JOHN DOE DUTTON constitute a marital community
6 under the laws of the State of Washington and upon belief reside within KING County within the
7 Western District of Washington State. Upon belief, ANN E. DUTTON was at the time of the
8 injuries complained of in this complaint, under a material aid agreement an employee and/or
9 agent of the CITY OF SEATTLE acting within the scope of her duties as a DETECTIVE of the
10 WASHINGTON STATE PATROL.
11

12 2.70 KEVIN L. FORRESTER and JANE DOE FORRESTER constitute a marital
13 community under the laws of the State of Washington and upon belief reside within KING
14 County within the Western District of Washington State. Upon belief, KEVIN L. FORRESTER
15 was, at the time of the injuries complained of in this complaint, under a material aid agreement
16 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
17 DETECTIVE of the WASHINGTON STATE PATROL.

18 2.71 JOEL W. GORDON and JANE DOE GORDON constitute a marital community
19 under the laws of the State of Washington and upon belief reside within KING County within the
20 Western District of Washington State. Upon belief, JOEL W. GORDON was at the time of the
21 injuries complained of in this complaint, under a material aid agreement an employee and/or
22 agent of the CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the
23 WASHINGTON STATE PATROL.
24

1 2.72 CHRIS T. GUNDERMANN and JANE DOE GUNDERMANN constitute a
2 marital community under the laws of the State of Washington and upon belief reside within
3 KING County within the Western District of Washington State. Upon belief, CHRIS T.
4 GUNDERMANN was at the time of the injuries complained of in this complaint, under a
5 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting within the
6 scope of his duties as a SERGEANT of the WASHINGTON STATE PATROL.

7 2.73 JOI J. HANER and JOHN DOE HANER constitute a marital community under
8 the laws of the State of Washington and upon belief reside within KING County within the
9 Western District of Washington State. Upon belief, JOI J. HANER was at the time of the injuries
10 complained of in this complaint, under a material aid agreement an employee and/or agent of the
11 CITY OF SEATTLE acting within the scope of her duties as a TROOPER of the
12 WASHINGTON STATE PATROL.

13 2.74 ROGER D. HANSBERRY and JANE DOE HANSBERRY constitute a marital
14 community under the laws of the State of Washington and upon belief reside within KING
15 County within the Western District of Washington State. Upon belief, ROGER D.
16 HANSBERRY was at the time of the injuries complained of in this complaint, under a material
17 aid agreement an employee and/or agent of the CITY OF SEATTLE acting within the scope of
18 his duties as a TROOPER of the WASHINGTON STATE PATROL.

19 2.75 RUSSELL J. HANSON and JANE DOE HANSON constitute a marital
20 community under the laws of the State of Washington and upon belief reside within KING
21 County within the Western District of Washington State. Upon belief, RUSSELL J. HANSON
22 was at the time of the injuries complained of in this complaint, under a material aid agreement an
23

1 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
2 TROOPER of the WASHINGTON STATE PATROL.

3 2.76 JEFFREY R. KERSHAW and JANE DOE KERSHAW constitute a marital
4 community under the laws of the State of Washington and upon belief reside within KING
5 County within the Western District of Washington State. Upon belief, JEFFREY R. KERSHAW
6 was at the time of the injuries complained of in this complaint, under a material aid agreement an
7 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
8 DETECTIVE of the WASHINGTON STATE PATROL.

9
10 2.77 DANIEL L. MANN and JANE DOE MANN constitute a marital community
11 under the laws of the State of Washington and upon belief reside within KING County within the
12 Western District of Washington State. Upon belief, DANIEL L. MANN was at the time of the
13 injuries complained of in this complaint, under a material aid agreement an employee and/or
14 agent of the CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the
15 WASHINGTON STATE PATROL.

16 2.79 GEORGE R. MARS and JANE DOE MARS constitute a marital community
17 under the laws of the State of Washington and upon belief reside within KING County within the
18 Western District of Washington State. Upon belief, GEORGE R. MARS was at the time of the
19 injuries complained of in this complaint, under a material aid agreement an employee and/or
20 agent of the CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the
21 WASHINGTON STATE PATROL.

22
23 2.80 JOHN G. MCMULLEN and JANE DOE MCMULLEN constitute a marital
24 community under the laws of the State of Washington and upon belief reside within KING

1 County within the Western District of Washington State. Upon belief, JOHN G. MCMULLEN
2 was at the time of the injuries complained of in this complaint, under a material aid agreement an
3 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
4 TROOPER of the WASHINGTON STATE PATROL.

5 2.81 DARRELL R. NOYES and JANE DOE NOYES constitute a marital community
6 under the laws of the State of Washington and upon belief reside within KING County within the
7 Western District of Washington State. Upon belief, DARRELL R. NOYES was at the time of the
8 injuries complained of in this complaint, under a material aid agreement an employee and/or
9 agent of the CITY OF SEATTLE acting within the scope of his duties as a TROOPER of the
10 WASHINGTON STATE PATROL.

11 2.82 STEVEN E. REEVES and JANE DOE REEVES constitute a marital community
12 under the laws of the State of Washington and upon belief reside within KING County within the
13 Western District of Washington State. Upon belief, STEVEN E. REEVES was at the time of the
14 injuries complained of in this complaint, under a material aid agreement an employee and/or
15 agent of the CITY OF SEATTLE acting within the scope of his duties as a TROOPER of the
16 WASHINGTON STATE PATROL.

17 2.83 WESLEY H. RETHWILL and JANE DOE RETHWILL constitute a marital
18 community under the laws of the State of Washington and upon belief reside within KING
19 County within the Western District of Washington State. Upon belief, WESLEY H. RETHWILL
20 was at the time of the injuries complained of in this complaint, under a material aid agreement an
21 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
22 SERGEANT of the WASHINGTON STATE PATROL.

1 2.84 CRAIG L. SAHLINGER and JANE DOE SAHLINGER constitute a marital
2 community under the laws of the State of Washington and upon belief reside within KING
3 County within the Western District of Washington State. Upon belief, CRAIG L. SAHLINGER
4 was at the time of the injuries complained of in this complaint, under a material aid agreement an
5 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
6 TROOPER of the WASHINGTON STATE PATROL.

7 2.85 DAVID J. BROWNE and JANE DOE BROWNE constitute a marital community
8 under the laws of the State of Washington and upon belief reside within KING County within the
9 Western District of Washington State. Upon belief, DAVID J. BROWNE was at the time of the
10 injuries complained of in this complaint, under a material aid agreement an employee and/or
11 agent of the CITY OF SEATTLE acting within the scope of his duties as a SERGEANT of the
12 WASHINGTON STATE PATROL.

13 2.86 GARY D. GASSELING and JANE DOE GASSELING constitute a marital
14 community under the laws of the State of Washington and upon belief reside within KING
15 County within the Western District of Washington State. Upon belief, GARY D. GASSELING
16 was at the time of the injuries complained of in this complaint, under a material aid agreement an
17 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
18 SERGEANT of the WASHINGTON STATE PATROL.

19 2.87 PAUL M. STANEK III and JANE DOE STANEK constitute a marital community
20 under the laws of the State of Washington and upon belief reside within KING County within the
21 Western District of Washington State. Upon belief, PAUL M. STANEK III was at the time of
22 the injuries complained of in this complaint, under a material aid agreement an employee and/or
23

1 agent of the CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the
2 WASHINGTON STATE PATROL.

3 2.88 RICHARD A. TAYLOR and JANE DOE TAYLOR constitute a marital community
4 under the laws of the State of Washington and upon belief reside within KING County within the
5 Western District of Washington State. Upon belief, RICILARD A. TAYLOR was at the time of
6 the injuries complained of in this complaint, under a material aid agreement an employee and/or
7 agent of the CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the
8 WASHINGTON STATE PATROL.

9
10 2.89 GARY M. WILCOX and JANE DOE WILCOX constitute a marital community
11 under the laws of the State of Washington and upon belief reside within KING County within the
12 Western District of Washington State. Upon belief, GARY M. WILCOX was at the time of the
13 injuries complained of in this complaint, under a material aid agreement an employee and/or
14 agent of the CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the
15 WASHINGTON STATE PATROL.

16 2.90 OREST D. WILSON and JANE DOE WILSON constitute a marital community
17 under the laws of the State of Washington and upon belief reside within KING County within the
18 Western District of Washington State. Upon belief, OREST D. WILSON was at the time of the
19 injuries complained of in this complaint, under a material aid agreement an employee and/or
20 agent of the CITY OF SEATTLE acting within the scope of his duties as a DETECTIVE of the
21 WASHINGTON STATE PATROL.

22
23 2.91 RONALD W. SERPAS and JANE DOE SERPAS constitute a marital community
24 under the laws of the State of Washington and upon belief reside within KING County within the

1 Western District of Washington State. Upon belief, RONALD W. SERPAS was at the time of
2 the injuries complained of in this complaint, under a material aid agreement an employee and/or
3 agent of the CITY OF SEATTLE acting within the scope of his duties as the CHIEF of the
4 WASHINGTON STATE PATROL.

5 2.92 DANIEL E. EIKEM and JANE DOE EIKEM constitute a marital community under
6 the laws of the State of Washington and upon belief reside within KING County within the
7 Western District of Washington State. Upon belief, DANIEL E. EIKEM was at the time of the
8 injuries complained of in this complaint, under a material aid agreement an employee and/or
9 agent of the CITY OF SEATTLE acting within the scope of his duties as a CAPTAIN of the
10 WASHINGTON STATE PATROL.

11 2.93 STEVEN D. MCCULLEY and JANE DOE MCCULLEY constitute a marital
12 community under the laws of the State of Washington and upon belief reside within KING
13 County within the Western District of Washington State. Upon belief, STEVEN D.
14 MCCULLEY was at the time of the injuries complained of in this complaint, under a material aid
15 agreement an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
16 duties as a LIEUTENANT of the WASHINGTON STATE PATROL.

17 2.94 There are numerous other persons, identities presently unknown to Plaintiffs who
18 are, and were at all times mentioned herein, supervisors, incident commanders, and decision-
19 makers OF THE CITY OF SEATTLE, and the SEATTLE POLICE DEPARTMENT and/or the
20 other involved agencies, who acted in concert with the above named Defendants and who
21 devised or approved the police strategy for responding to the demonstration and police response
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1 thereto that are the subject of this action and in doing the things hereinafter alleged, acted under
2 color of state law as agents of the CITY OF SEATTLE and with its full consent and approval.

3 2.95. There are also numerous Does, who are employces and/or Managers or agents of
4 Defendant LEIU who were directly involved in planning, organizing, and orchestrating the
5 response to the demonstration in question, including to Plaintiffs, and are responsible for the
6 harm suffered by Plaintiffs.

7 2.96. DOES 1-250 are, and were at all times mentioned herein, OFFICERS, Supervisors,
8 and the Incident Commander For This Demonstration Of The Police Department Of The CITY
9 OF SEATTLE, Or Other CITY, other Public Agency or Private Actors or Officials involved in
10 the planning, creation, development or exercise of Police Force and Control against the
11 demonstration in question, the response to which is the subject of this action, and in committing
12 the acts and omissions herein alleged hereinafter alleged, acted under color of state law as agents
13 of the CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT and with its full
14 consent and approval.
15

16 2.97 This action is brought pursuant to the First, Fourth, Fifth, Eighth, and Fourteenth
17 Amendments to the United States Constitution, Article 1, Section 5 and Article 1, Section 7 of
18 the Washington State Constitution, 42 U.S.C. 1983, 1988, Revised Code of Washington Title 9,
19 Chapter 62, Section 10(1), Washington State common law prohibiting assault, battery,
20 intentional infliction of emotional distress, false arrest and false imprisonment, and Washington
21 common law negligence.
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III. FACTS

3.1 Plaintiffs were legal observers to a permitted, peaceful, and lawful demonstration against the Law Enforcement Intelligence Unit (LEIU.) This demonstration was permitted by the city and the police.

3.2 The Law Enforcement Intelligence Unit (LEIU) is a theoretically private non-profit organization, made up entirely of public law enforcement agencies and their employees. The LEIU came into prominence after the scandals surrounding illegal surveillance, disruption and infiltration of legal protest groups by law enforcement agencies in the 1960's and 1970's. Such illegal activity by law enforcement prompted the investigations of Senator Church's Committee, and led to legal limits being placed on the ability of law enforcement to collect data and target citizens engaged in lawful dissent in this matter. As it became illegal for the federal government to perform these functions, they did not cease, but became absorbed by private and non-profit

1 organizations. The LEIU was one of these organizations that continued to collect data on lawful
2 protesters for the benefit of law enforcement. It even became the depository of many files
3 created by law enforcement agencies that could no longer retain their old files.

4 The LEIU picked Seattle as the site of their annual convention for 2003. The event was
5 scheduled for June. Several citizens and community organizers in Seattle became aware that the
6 LEIU was coming by February of 2003. They began holding meetings to peacefully protest the
7 convention.

8 The organizers of the demonstrations against the LEIU pledged immediately to make the
9 event family-friendly and non-violent. They adopted a code of non-violence and made it a
10 condition for those who would be attending the rally. This was reflected in subsequent meetings
11 and in the literature distributed by this group.

12 The setup and logistics of the protest involved many of the same players that had put on
13 many large peace marches in the proceeding years. One of the main sponsors of this protest was
14 the Not In Our Name Coalition that had put together the first large Seattle rally around the Iraq
15 war, which had numbered in the tens of thousands. Some of the main organizers had decades of
16 experience organizing these types of events. The group included police liaisons who had worked
17 with police on dozens of rallies before. They included peacekeepers, trained to defuse any
18 potential conflict and keep marches peaceful. They included medics who were trained to treat
19 injuries that occurred during protest. They included Legal Observers from both the National
20 Lawyers Guild and the ACLU, who were trained to observe what occurred and make an
21 independent record. They included videographers, photographers and other independent media
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1 producers. All of these groups and individuals had participated in these large peace rallies with
2 numbers in the tens of thousands, and few, if any, incidents of arrest.

3 Even from the first meeting, there were strong indications that the protesters were being
4 watched. Participants at the first meeting noticed a man in attendance. This man was unfamiliar
5 to any of them, and took copiously detailed notes throughout the meeting. At the meetings and
6 he was observed going into what appeared to be an unmarked police car.

7 As the meetings progressed and the June meeting date grew closer, harassment became
8 steeper. Organizers noticed themselves being followed, near homes, at work and as they drove.

9 Organizers went forward and negotiated the permit for the march with the Seattle Police
10 Department, and the permit for the rally at Westlake Plaza with the City of Seattle. They
11 negotiated with the Seattle Police for the march permit approximately one week before the event.
12 They spoke with Lt. Poulsen and Captain Mike Sanford. There was no time limit on the permit
13 for the march.
14

15 In late May and early June, organizers held teach-ins about the LEIU. This included a
16 session at Town Hall, led by researchers on the LEIU and allied organizations. Several hundred
17 attended this event on the evening of June 1, 2003.

18 Day of the Event

19 On June 2nd, some of the organizers were scheduled to meet at 10 AM in the morning
20 with their attorney, William Broberg, and Virginia Swanson from the City of Seattle, to make
21 final arrangements for the permit.
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1 On the way to this meeting some of them drove past the Red Lion Inn in downtown
2 Seattle. There was already a heavy police presence there. Large numbers of police remained
3 there, in riot gear, the whole day.

4 The meeting for the permit took place at Westlake Plaza in Seattle at 10AM as scheduled.
5 The organizers were granted access to the space from Noon until 10 PM. They held a press
6 conference at Westlake Plaza around mid-day. Reporters from most media outlets were present.

7 Some of the organizers returned to Westlake around 3PM, to set up, to be on site to
8 observe the arrangements with police, as well as to make sure that the arrangements made with
9 Ms. Swanson were complied with. Also around this time people began to arrive for the
10 demonstration in small groups of 2s and 3s.

11 At or around 4 PM, police on bicycles arrived. They were patrolling the area. Between 5
12 and 6 PM, Captain Sanford and several of his aides walked through.

13 By about 5:30 PM there were fairly significant numbers of demonstrators in Westlake
14 Plaza.

15 The five legal observers for the National Lawyers Guild who had volunteered to monitor
16 and observe this demonstration arrived during this time period. All legal observers wore bright
17 lime green t-shirts that read "NATIONAL LAWYERS GUILD LEGAL OBSERVER" across
18 them in large black block letters, with matching lime green baseball hats. They were readily
19 identifiable from a great distance, and are clearly visible on video throughout the incident. There
20 were also legal observers from the ACLU wearing similar prominent attire in blue, one of whom
21 was also seriously injured by the police.
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1 The role of Legal observers, who have all received extensive training, is to document
2 police activity and any incidents that occur; to give limited legal advice, if they are attorneys;
3 and in rare circumstances, to inform the police that they are violating the law. Legal observers
4 who are attorneys are also available, if there are arrests, to go to the jail, ascertain the status of
5 arrestees, and to visit and/or advise them in jail if appropriate. A substantial percentage of
6 National Lawyers Guild Legal Observers are attorneys, most of the rest are law students or legal
7 workers. They are not participants in the demonstration they are covering and do not interfere
8 with police operations or activities.

9
10 The rally started at 6 PM as scheduled, and proceeded as planned - peaceful and without
11 incident. The Rally featured speakers that included victims of political surveillance, as well as
12 representatives of the ACLU and the National Lawyers Guild. There were several hundred
13 people in attendance. Some of the demonstrators performed street theater skits. Some carried
14 colorful signs, such as a copy of the Bill of Rights with the word "Void" stamped across it. The
15 atmosphere was festive. There was no hint of violence from any of the protesters. Everything
16 was calm and peaceful.

17 During the course of the rally, LEIU conference attendees mingled with the crowd,
18 videotaping demonstrators, asking some of them questions about where they were from, and who
19 they were with, singling out at least one demonstrator who was visiting from out of town, and
20 making clear they knew who he was, and generally conducting surveillance of the
21 demonstration. Many of these individuals wore clothing identifying what law enforcement
22 organization they were with, including two men wearing clothing identifying them as officers of
23

1 the "St. Louis Housing Police Department, which had just conducted raids on offices of a group
2 engaging in a protest against a conference in St. Louis."

3 At about 7PM, the march took off as the organizers had planned with the Seattle police.
4 Westlake Plaza was located on Fourth Avenue between Pine and Pike Street. The Red Lion Inn
5 was located one block south between Pike and Union, with entrances on Fourth and Fifth
6 Avenue, its main entrance being at 1415 Fifth Avenue. The organizers' plan was to march to the
7 Red Lion Inn, one block South of Westlake Plaza, and ultimately to march around the block.
8 They planned to pause in front of the Fifth Avenue entrance.
9

10 The large peace rallies, organized by many of these same people had been characterized
11 by a token police presence. Marches with tens of thousands had been escorted through many
12 miles of Seattle without incident by a few dozen police. Despite the fact that the same organizers
13 were in charge of this event's logistics, an arbitrary decision was made to use a more heavy
14 handed approach. Despite the fact that this was a march with probably less than a thousand
15 people that was only going a few blocks, there were far more police present than there had been
16 at the marches and rallies that ran for miles and included tens of thousands of demonstrators.
17

18 Police Presence and Weaponry on June 2, 2005

19 All along the route few blocks to Red Lion Inn, almost every street or alley was blocked
20 by lines of police in full riot gear.
21

22 The police already had barriers set up when the few hundred demonstrators arrived.
23 There were barriers on Fifth Avenue and Fourth Avenue. The police had the alley between the
24 two streets blocked off with metal barricades and squad cars.

1 Whereas the police in the prior larger rallies had worn what they referred to as their
2 “soft” uniforms, many wore the “hard” uniforms consisting of full body armor. These
3 uniforms made the police look more threatening and covered their faces.

4 The SPD had already acknowledged that these uniforms often created more problems
5 than they solved. For example, they had stated they could not intervene during the Mardi Gras
6 beatings that had taken place in 2001, because their officers wore these same uniforms. The
7 SPD command had felt that intervention by the officers wearing these uniforms would likely
8 incite a crowd of people.

9 A line of officers, including many from the Washington State Patrol, formed a line
10 several officers deep in front of the Fifth Avenue entrance of the Red Lion Inn. In defiance of
11 the local Seattle Ordinance, many of them wore no name tags. Almost all of these officers wore
12 the same body armor that made the police reluctant to take any action during the Mardi Gras
13 event for fear of exacerbating an already bad situation. Most of the officers carried some type of
14 “less-lethal weaponry.” Sometimes incorrectly referred to as “non-lethal weaponry,” this
15 weaponry is designed to be used in a potentially life threatening situation, as an alternative to
16 firearms or other methods more likely to kill. “Less-lethal weaponry” is designed to be used in
17 very narrow parameters so that it may have a lower likelihood of killing someone. Police
18 training materials and that of the manufacturers themselves, stresses that there is always the
19 likelihood that these weapons can kill even when used within the recommended narrow
20 parameters, and thus should be considered a lethal use of force, not something equivalent to a
21 verbal command.
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1 Despite the lethality of these weapons, and despite the fact that training materials stress
2 their lethality, their literature, notably including much of the companies' sales literature, refers to
3 these weapons as "non-lethal" and gives false indications some implied some overt, that these
4 weapons do not kill, and are always safe to use.

5 Many of the officers present that day carried either 37mm, 38mm, 40mm and or similar
6 caliber launchers. Some of these were single shot, others were configured like enormous
7 revolvers and held five or six shots, or even as many as eight shots. These held cartridges,
8 approximately 8 inches or 250 mm long and 1 ½ inches or 37mm wide. These cartridges could
9 be filled with a variety of weaponry described below. At least two officers in front of the Fifth
10 Avenue entrance to the Red Lion Inn carried these.

11 Many of the officers carried 12 gauge shot guns. These were pump action, or guns that
12 required spent shells to be manually ejected, as the less lethal cartridges had insufficient charge
13 to cycle the next cartridge. The cartridges they fired were the size of normal shotgun shells, and
14 were similar to the cartridges in the launchers, though much smaller. At least two of the officers
15 in front of the Fifth Avenue entrance of the Red Lion Inn carried these.

16 The cartridges in the shotguns and larger launcher could contain "impact" projectiles,
17 chemical agents or a combination of these. The "impact" projectiles included "flying batons"
18 which were large pieces of heavy plastic usually several inches long and the width of the
19 cartridges, wooden "dowels" which were cylinders of wood the width of the cartridges, "bean
20 bags" which consisted of buck shot sewn in a bag, and "rubber ball rounds" of varying sizes and
21 densities.
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1 One of the factors that made these cartridges less likely to kill people was that they had a
2 lower velocity than bullets. A "rubber ball round" given the same charge as a bullet the same
3 size would travel faster and thus be more lethal. Most of the "impact projectiles" only slowed to
4 a safe distance once they'd traveled a substantial number of feet from the firearm. This meant
5 that they were highly lethal if fired in close range.

6 Another factor that made these cartridges less likely to kill people was that they were
7 designed to only be fired at limited areas of the body. These areas were "the meaty areas," and
8 consisted only of the thighs and buttocks. A large piece of hard plastic, a piece of wood 38mm
9 in diameter, a "rubber ball round" the size of a marble or ball bearing, a bag of buckshot,
10 traveling in speeds in excess of 300 feet per second as most of these did, all could easily be lethal
11 if they struck the head, if they struck the kidneys, or penetrated the eyes.

12 Another factor that made these firearms less likely to kill someone was that many of
13 these were designed to be "skip-fired," or shot into the ground so that they lost velocity and then
14 ricocheted into the appropriate area of the specific target.

15 This combination of factors, and other similar factors made the impact cartridges of
16 devices of limited utility in large crowd control situations. The prospect that these impact
17 projectiles could be fired at a specific person, strike a specific area of their body, from a certain
18 distance, after being skip fired off the ground, made little sense in a situation where there were a
19 dozen people moving around, let alone a few hundred. It would be very easy to hit an innocent
20 person. It would be very easy to strike the wrong part of the body. It would be very easy to
21 cause a major injury or fatality. For this reason many law enforcement agencies have limited
22 their use, or even banned it as regards crowd control situations.

1 Many of the cartridges contained the chemical agent OC.

2 OC is also known as oleoresin capsicum, cap-stun or pepper spray. OC is made from an
3 extract of cayenne peppers. OC is a neurotoxin that causes the production of Compound P, a
4 neurotransmitter involved in sensing of pain. It gained popularity because it not merely
5 incapacitated subjects, but caused involuntary physical reactions. It has been linked to many
6 dozens of in-custody deaths.

7 This chemical agent was designed to cause pain and disorientation, confusion and fear.
8 Typically a container carrying the chemical agent would strike an area and disperse, effecting
9 people in its vicinity.
10

11 Many of the cartridges contained "distraction devices," such as smoke devices and
12 explosion devices that were designed to create disorientation, confusion and fear.

13 Many of the cartridges contained combinations of the above impact devices, and/or
14 chemical agents, and or "distraction devices."

15 Many of the officers carried "pepperball" and or similar style guns. These were guns
16 similar to those used in paintball. They fired pellets similar in size and consistency to those used
17 in paintball. The pellets fired from these guns were not filled with paint; instead they were filled
18 with OC, or similar agents. The pellet would explode upon contact and disperse the OC, or
19 similar agents. These were a similar type of weapon to the one that had killed Victoria
20 Snelgrove, an Emerson College student struck in the eye by a "less-lethal" projectile in October
21 2004, during a celebration after the Boston Red Sox defeated the New York Yankees in the
22 American League Championship Series. These were only supposed to be fired on limited parts of
23 the body, and in highly controlled circumstances.
24

1 Many of the officers carried "Sting-Ball" and similar style rubber ball grenades. These
2 were made of a hard rubber substance, and released hard plastic balls the size of ball bearings
3 when they exploded.

4 Many of the officers carried grenades similar in style to the rubber ball grenades except
5 that they also contained OC or similar substances. When these exploded, they not only released
6 hard plastic balls, but the chemical agents as well.

7 Because of the way a grenade explodes, it would be impossible for any officer throwing
8 these to know exactly who their projectiles would hit, in what part of the body and with how
9 much force. Any use of these could potentially cause permanent injury or death. Additionally,
10 when deployed in a crowded situation such devices have been found to cause additional injuries
11 as crowds panic and attempt to flee the area.

12 Many of the officers carried flash bang and stun grenades. These were designed as
13 "distraction devices" that would cause loud noises, make bright flashes, and release smoke, OC,
14 CS, CN or a combination of these and or similar substances. These would cause fear, confusion,
15 and disorientation. While appropriate in some situations such as executing a forced entry on an
16 armed and dangerous suspect, such devices routinely cause panic in crowds, causing people to
17 trample each other, and creating similar injuries.

18 Most if not all of the officers carried OC dispensers. Some were hand held. Others were
19 as large as fire extinguishers. All had limits on the distance from which they could be fired, as
20 firing from a close distance could cause chemical burns and other injuries. All had limits in the
21 length of time they could be fired as the likelihood of permanent damage to an individual
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1 increased with the amount of substance a person was exposed to. All were designed to be used
2 in areas where there was a free flow of air.

3 At least one of these officers carried a variant of the AR-15/M-16 military rifle. These
4 fired highly lethal .223 caliber ammunition that traveled at a rate of 3,000 feet per second. This is
5 the standard weapon used by the United States military.

6 The Demonstration in Front of the Red Lion Inn: Early Arrests

7 By about 7:15 PM, the bicycle police had formed a line, on the northern side of the Red
8 Lion Inn on Fifth Avenue. Behind them were about a half dozen officers on horses. Because of
9 the metal barricades on the east and west sides of the street, the demonstrators were penned in.
10 Arbitrarily, the police allowed certain other people through these same lines, while blocking
11 people they believed were associated with permitted demonstration. Some of the demonstrators
12 asked the police which way they should go if they wanted to leave, but were met with silence by
13 these same police. Similarly, demonstrators who were attempting to get into the rally from the
14 same area were blocked. After a few minutes, Peacekeepers formed a line between these police
15 and the other demonstrators.

17 On the west side of the Red Lion Inn, along 4th Avenue, a smaller group of demonstrators
18 were gathered. Police singled several of these people for particularly brutal arrests, stepping on
19 one of the arrestees' head. Also arrested was a media person attempting to videotape the arrest.

21 On the eastside along Fifth Avenue, the demonstration continued without incident.
22 People held signs, chanted slogans. A marching band played. Some people danced. The
23 demonstrators remained peaceful. None of them destroyed any property. None of them broke
24

1 any windows. None of them threw any objects at the police. Police were able to pass through
2 the demonstrators without incident.

3 A mixture of shoppers and other people moving through the downtown area walked
4 through the demonstration, or stood by and watched it without incident.

5 Many of the IFEU conference participants were at windows and balconies, watching the
6 demonstration below. Some of them took photographs or shot videos of the demonstration.

7 Somewhere in this time period, the police blocked off the demonstration at 5th and Pike,
8 and refused to allow any demonstrators, or anyone who appeared to the police to be associated
9 with the demonstration, to leave. Police soon did the same at 5th and Union at the far end of that
10 block, blocking off every means of egress, except for West to 4th Avenue.
11

12 At about 7:20 PM, a young man climbed onto a Plexiglas awning, north of the Red Lion
13 Inn on Fifth Avenue. He seemed to be largely ignored by the police and most of the
14 demonstrators.

15 At about 7:45, Robert Barnes, one of the police liaisons, asked Captain Sanford if the
16 demonstrators would be permitted to circle the building several times, and then return to
17 Westlake. Captain Sanford replied no, but assured, "your people will be cold and hungry before
18 we force you off the street."

19 One of the other organizers, Roger Weaver, announced this to the demonstrators on Fifth
20 Avenue over an amplified bull horn. Weaver complimented the police, and reiterated that the
21 demonstrators could stay there till they were cold. It was 7:50 PM.
22

23 Sometime after this, Captain Sanford seemed to notice the young man on the awning, as
24 he attempted, without success, to burn a flag. While the majority of the demonstrators listened to
25

1 an organizer from the Not In Our Name (NION) coalition tell them how they would be
2 proceeding back to Westlake Plaza, Sanford stood north of the group, under the Plexiglas
3 awning, staring up at the young man and talking into his cell phone.

4 Several of the other demonstrators voiced concern to the NION organizer. She replied
5 "the police are starting to line up. That's their message to us." It was about 8:07 PM

6 The Attacks on the Demonstrators by Police

7 Captain Sanford left the area under the awning and began to talk to each of his command
8 staff. He walked through the area around the demonstrators talking to first one of the bicycle
9 officers, then the others, including Lt. Wilske. Without exception, the demonstrators stepped
10 aside as Sanford moved forward. Sanford and the other officers were able to move through the
11 demonstrators without incident.
12

13 As Sanford made plans on how to deal with the young man on the awning the majority of
14 the demonstrators remained oblivious to this. Most in front of the Red Lion Inn were gathered
15 around a band playing "Down by the Riverside."

16 The bicycle officers lined up along the north end of the demonstrators, in formation to
17 ride into the demonstration as a group. The demonstrators continued to listen to, dance or play
18 with the band.

19 At about 8:12 PM the young man on the awning attempted to light a flag on fire, this
20 attracted the attention of a few dozen of the demonstrators.
21

22 At about 8:20 PM, the bicycle police moved in formation to the East End of Fifth
23 Avenue, North of the awning.
24

1 At about 8:23 PM, forty minutes after Captain Sanford's statement that the demonstrators
2 could stay till they were "cold and hungry," Robert Barnes, as police liaison approached Captain
3 Sanford and Lieutenant Wilske, who were standing on East side of Fifth Avenue, on the
4 sidewalk, next to the bicycle police. Barnes, the liaison suggested that if the police could
5 guarantee they would not arrest the person on the awning, he could get the crowd to disperse to
6 Westlake.

7 Captain Sanford told him, "no, that's not going to happen. You have two minutes to
8 disperse."
9

10 No other warning was given by the police to the crowd. The police did not make an
11 announcement over a public address system or make any attempt to communicate to the crowd to
12 leave the area. Some of the other organizers began to direct the demonstrators back towards
13 Westlake Plaza.

14 Barnes, the liaison to the police, immediately asked what had changed in the last 40
15 minutes. Captain Sanford made no reply.

16 As organizers began directing the demonstrators to Westlake, the demonstrators complied
17 and began to move south, the only direction still open to them, and away from the awning, down
18 Fifth Avenue. The Peacekeepers formed a line on the North end between the police and the
19 demonstrators.
20

21 The young man on the awning came down and attempted to join the departing
22 demonstrators.

23 As the group then proceeded back to Westlake, someone, presumably this young man,
24 was grabbed out of the group by several undercover officers. They moved him roughly to the

1 line of police in riot gear in front of the Red Lion Inn along Fifth Avenue. The young man was
2 tossed over the railing, by a mixture of uniformed and plainclothes police.

3 None of the demonstrators attempted to go over the metal barriers. The only people who
4 attempted to go over the metal barriers were the undercover officers, dressed in street clothes.
5 These undercover officers, including Defendants LOWE and ROMERO, charged the police
6 barricade. Defendant ROMERO attempted to start fights with demonstrators in the crowd. No
7 demonstrator attempted to breach the police barricade; the closest of the demonstrators were
8 several feet from the barricades.

9
10 Captain Sanford stated at a press conference later that evening that he was telling the
11 demonstrators to give the police two feet of working room and that by and large they complied.

12 As the young man was tossed over the metal barricade, many of the officers
13 indiscriminately fired their containers of OC into the crowd. The chemical agents struck and
14 drenched large numbers of people, including those demonstrators already leaving for Westlake
15 Plaza and the undercover officers themselves. Several of the plaintiffs were hit at this time.

16 As the young man was tossed over the railing, police on bicycles rode into the crowd,
17 using their bicycles to batter the crowd. Some demonstrators were injured and bleeding as they
18 were hit by the bicycles. Some were injured and bleeding as the police got off their bicycles and
19 swung them like clubs, striking those demonstrators around them. Among those targeted were
20 the legal observers, including Plaintiff WEILL, who was struck in the back of the leg with a
21 bicycle wielded by one of the bicycle squad officers and received severe lacerations and
22 contusions to her leg, which bled significantly and was sore for many weeks afterwards. One of
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24
25

1 the bicycle commanders realized they were being videotaped, pointed toward the camera and
2 shouted the words "Hey! Movie!" to the other officers. These officers relaxed their attack.
3 Also at this time, other less lethal weaponry was fired into the crowd of demonstrators.

4 Throughout this time period, only one of the demonstrators appears to have thrown a
5 flimsy cardboard sign at the police line, which landed at their feet without effect.

6 The bicycle officers formed a second line in front of the metal barrier. Several held their
7 canisters filled with OC. There was some yelling by the demonstrators, but in no way did they
8 attack the police.
9

10 It was around this time that several dozen more police in riot gear joined the others.
11 These held weapons that included launchers, shotguns pepper-ball guns OC Canisters, batons,
12 and at least one AR-15/M-16 variant.

13 The police advanced using their bicycles as barriers, pushed the demonstrators forward.
14 Around this time the only physical confrontation by demonstrators came when someone threw a
15 rubber traffic cone on the direction of the police.

16 Just behind the metal barriers, at least five large police officers had the young man
17 presumed to have been on the awning on the ground, with a weapon at his head, severely beating
18 him, and pepper spraying him directly in the face at point blank range.

19 During this time no aid was offered by the police to any of the people, be they
20 demonstrators, media, legal observers or bystanders, who had been injured by the chemical
21 agents, less lethal weapons, or blows of the police.
22

1 Some of the medics' supplies were now stuck behind police lines. The police made no
2 response to requests by medics and organizers that they be allowed to retrieve them. This
3 hindered the ability of many of the injured to receive care.

4 Organizers again started to move the crowd forward. There was some yelling, at the
5 police but the protesters again started to head out through their only exit, going South on Fifth
6 Avenue.

7 In response, at least three of the police began spraying all the demonstrators in their
8 proximity with chemical agents. Dozens of the demonstrators were directly hit by these agents.
9 This was followed by the police surging forward with their bicycles, striking into the crowd,
10 hitting demonstrators with considerable force. It was now around 8:28 PM.

11 At this point, about two dozen or so protesters were facing the police. Also, there were
12 members of the media, legal observers and passersby who'd been drawn to the activity. After a
13 brief pause, the police again pushed forward with their bicycles. Several officers on the East side
14 of the street sprayed a few dozen people with OC and or similar agents. Several people were
15 grabbed and arrested. It was now about 8:32 PM.

16 With dozens of the demonstrators and some bystanders debilitated by the pepper spray
17 and other less lethal devices, many of them had to be helped as they hobbled away. The police
18 continued to push forward, striking people with their bicycles and batons, including Plaintiff
19 Wes Hamilton, who was struck repeatedly without cause or justification. By about 8:39 PM, the
20 police were pushing the demonstrators down Union Street, from Fifth to Fourth Avenue. Some
21 of the demonstrators chanted, "this is what a police state looks like."
22
23
24

1 In front of the Washington Mutual Bank, on the NW Corner of Union and Fifth Avenue
2 the police grabbed several of the demonstrators. Several officers yanked them back behind lines
3 as others sprayed those in their vicinity with chemical agents. Several photographers attempting
4 to photograph this were knocked to the ground, or themselves arrested. Many of those present
5 were stumbling blindly from the OC and other agents. No aid was offered by any of the police to
6 any of these people, nor did police direct anyone where to disperse to. Several of the medics
7 who were attempting to administer aid were themselves attacked by the police.
8

9 The police and protesters turned North on Fourth Avenue, again, the only route that was
10 not blocked off. The other side of the Red Lion Inn was on this street. Those attending the
11 LEIU Conference watched from the windows, some with cameras.

12 As the group turned North on Fourth Avenue, and came back in sight of the Red Lion
13 Inn, the police's use of Less Lethal Agents again accelerated. In front of the Office Depot Store,
14 on the West side of the street, across from the Red Lion Inn, the police again let fly with
15 generous bursts of OC aimed over the retreating demonstrators. Several people were grabbed by
16 the police and wrestled to the ground.

17 Within about five seconds of the bursts of OC or other chemical agents, several other
18 types of less lethal devices were used. There were at least four loud explosions of concussion
19 grenades thrown by the police. Clouds of chemical agents appeared in front of the
20 demonstrators. With the police moving forward, the demonstrators, media, and those who had
21 been swept into their path were forced to walk into and through these chemical agents. A few of
22 the protesters shouted, "Walk, don't panic." As if in response, at least three more explosions
23 soon followed. All seven explosions had taken place within the block in front of the Red Lion
24

1 Inn. All had been fired into or over the back of a retreating crowd which was at least 30 to 50
2 feet away from the police lines, and obscured by smoke and OC powder. All seven explosions
3 had taken place in slightly more than thirty seconds.

4 In the midst of this chaotic scene, police fired "rubber balls" and "wooden dowels" at the
5 already retreating protesters. Some of the grenades were thrown directly at the protesters.

6 All the above had taken place one block north of Westlake Plaza, where the crowd was
7 retreating. It was approximately 8:40 PM.

8 End of the March and Gratuitous Arrests

9 The demonstrators emptied into Westlake Plaza with the police behind them. A line of
10 police in riot gear holding an array of less lethal weapons stood along the South end of the park
11 and the Fourth Avenue. One of the organizers held out the permit and shouted through a bull
12 horn that they had a right to be there; it was 8:42 PM.

13 The police in this line held a variety of weapons. These weapons included at least 1
14 shotgun, 1 single shot launcher, 2 six shot launchers, 1 large pepper spray, 1 AR-15/M16 type
15 firearm, 1 Pepper Ball gun. Lt. Wilske was present with these officers.

16 Though a few of the demonstrators stayed around Westlake Plaza, the rally that had been
17 planned for after the march could not, and did not take place.

18 Organizers worked to get the demonstrators to leave the area in small groups. Medics
19 tried to treat the people who'd been injured, including those incapacitated by the chemical
20 agents. No police made any attempt to treat any person injured by their attacks. In fact, for a
21 time no ambulances came to the scene, and when a medic called, she was informed that the
22 police had instructed them not to send an ambulance to Westlake Plaza unless the police
23

1 specifically authorized it. Finally, an ambulance was called by the police to take Plaintiff
2 HILDES from the scene on a gurney. The police themselves did nothing to see to the treatment
3 of any of the people they'd injured with their weaponry and tactics; in fact, Defendant
4 SANFORD held a press conference just feet away from where paramedics were attending to
5 Plaintiff HILDES.

6
7
8 Chemical Agents Left Along Route; No Effort Made by Police to Clean

9 With only a token number of demonstrators left, and perhaps because they were out of
10 sight of the Red Lion Inn, the police relaxed their line around 9PM, first withdrawing those with
11 the less-lethal weaponry, then, after a minute or so, the others. A line of officers in riot gear
12 stood along the side of the wall by Seattle's Best Coffee at the South end of Westlake Plaza.

13 Several individuals who remained after this incident began to re-walk the path of the
14 march, and collect the remains of the less lethal weaponry which had been used by the police.
15 The debris from this weaponry they collected included the remains of several rubber grenades,
16 several pepper balls, at least one of which had not exploded, wooden dowels, at least one "flying
17 baton", the remains of 37mm/38mm shells and hundreds of rubber balls. Throughout the path of
18 the march there were areas that were thick from the residue of chemical agents. The police made
19 no effort to clean up the debris, to clean up any of the chemical agents, to collect any of the
20 unspent rounds, or to warn any of the passersby (most of whom had nothing to do with the event)
21 that they were exposing themselves to these chemical agents.

22
23 Several of these people re-walking the march route returned to Fifth Avenue between
24 Union and Pike. There were no longer members of the Washington State Patrol, who could

1 argue whether they had to obey the Seattle Ordinance in front of the Fifth Avenue entrance of the
2 Red Lion Inn. Now there were members of the Seattle Police Department in front of the Red
3 Lion Inn. It was about 9:12 PM.

4 Several large deposits of chemical agents were observed in front of the entrance to the
5 Washington Mutual Bank at Fifth Avenue and Union at about 9:15. There was no effort being
6 made to clean these up, or to warn people of these. Some of these chemicals were still wet.

7 There was another large deposit observed in the main intersection some feet away from
8 the Washington Mutual entrance on this corner. There were dozens of rubber balls mixed in this
9 deposit. Another deposit was in the Eastern crosswalk of this intersection. People walked freely
10 through these deposits, and cars drove over them.

11 There were many, many rubber balls spread out in this area of Union Avenue at this time,
12 which Defendant Sanford claimed were ball bearings thrown by the demonstrators. No actual
13 ball bearings were ever found at the scene.

14 An officer Doe approached those documenting this and ordered those collecting this data
15 back on the sidewalk. When asked if anyone was going to be cleaning this up, Doe denied
16 knowledge and said it was not his job, then drove off. This officer drove a blue unmarked police
17 car with a license that appeared to read: 342-10D.

18 Officers were available to guard innocuous locations. At least five officers in riot gear
19 guarded the alley on Union between Fifth and Fourth Avenue. There was a large deposit of
20 chemical agents on the sidewalk directly in front of them. When queried, as to whether it would
21 be cleaned, the officers first compared it to papers in the street, then said it wasn't their job.
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At about 9:37 PM, other large deposits of chemical agents were observed in and around the intersection of Union Street and Fourth Avenue. These included deposits of chemical agents in front of the entrance to Rainier Square, the Northwest interior portion of the intersection and cross walk, the East section of the intersection and crosswalk, multiple deposits on the South side of the street in front of Lamont's at least one in front North side of the street in front of the Men's Wearhouse, several around the fire hydrant around Fourth and Union, near the intersection; the intersection in front of Tully's; in the street in front of 1411 Fourth Avenue; several deposits of chemical agents in front of the West entrance of the Red Lion Inn, with a smaller deposit in the center of the street in lining up with the mail box; another chemical agents in front of the bus stop in North of the entrance of the Red Lion Inn; several deposits in front of the Office Depot, on Fourth Avenue, another deposit on Fourth Avenue about midway between the Walking Company on the East side, and the Joshua Green Building on West. Approaching Westlake Plaza there were chemical agents in the southern portion of the intersection of Fourth and Pike, a few feet west of the curb fragments of a rubber grenade were found in this area. There were several chemical deposits and numerous rubber balls on Fourth Avenue, South of Pike Street.

Several "pepper ball" rounds had struck the Northeast portion of the curb, portions of their shells remained at the end of a small trail of the agents. At least one round had been left unexploded, it had a bright color and looked about the shape size and color of a sucking candy. Fragments of grenades were found around this intersection. The remains of what looked like several pepper balls were found at the South end of Westlake Plaza, along with pieces of a 37, 38mm shells. A large deposit of chemical agents was left in front of the entrance and ATM of

1 the Bank of America located on the South end of Westlake Plaza. At least three large deposits of
2 chemical agents were found by the planter boxes, just North of this Bank of America. There was
3 another deposit near the streetlight on the curb on the East side of Fifth Avenue, just West of this
4 Bank of America.

5 Throughout the time these people attempted to gather documentation various police
6 continued to shine lights in the lenses of their cameras, and threaten them with arrest.

7 Finally, those gathering documentation encountered police documenting the totality of
8 the damage caused by all those at the demonstration. These police admitted that the totality of
9 the damage consisted of two spray painted "A"'s with circles around them. One was in the
10 cross walk near the Washington Mutual. One was on the wall near the right front entrance of the
11 Washington Mutual on Union. This was at or slightly after 10:40 PM.

12 Captain Sanford held a press conference at the North End of Westlake Plaza. Captain
13 Sanford claimed in this conference that the police had tried to contain the demonstrators, but one
14 had thrown a ball bearing at a bicycle officer. Stanford did not produce the ball bearing.
15 Stanford then flatly stated that the police formed a line and moved the demonstrators back to
16 Westlake Plaza. He did not mention any of the use of less lethal weapons that occurred. He also
17 accused the protesters of vandalism, but gave no specific incidents. When asked, Sanford said he
18 had no knowledge of any injuries from any of the less lethal weaponry. Some of those in
19 attendance showed Sanford weaponry that he identified as an "AR-1 Round" that fired a baton,
20 and a wooden dowel. When asked said he could not say what caused the use of rubber bullets
21 and concussion grenades. He claimed, without providing any of them, that the protesters had
22 thrown debris, ball bearings, metal pipes and wooden dowels at the police.

1 During this press conference, paramedics were treating Plaintiff HILDES for a back
2 injury caused by a less-lethal projectile just feet away.

3 Subsequent Arrests

4 On subsequent days, several smaller demonstrations took place. These were also
5 characterized by an atmosphere of intimidation by the police. Several demonstrators were
6 arbitrarily arrested, as were people who tried to videotape or otherwise record these events.

7 Despite the fact that many of the people arrested faced criminal charges, and went
8 through extensive Discovery requests, none of the material Sanford alleged that had been thrown
9 at the police was ever produced. With one exception, none of the many people arrested were
10 ever convicted. The young man who was thrown over the railing was never prosecuted.

11 Much of the videotape belonging to videographers and other media producers who were
12 arrested, was "lost" by the police.
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16 III. STATEMENT OF DAMAGES

17
18 3.1 As a direct and proximate result of the intentional and/or negligent acts of
19 Defendants, Plaintiffs sustained severe physical and mental pain and suffering and injury in an
20 amount that will be established at trial.

21 3.2 As a further direct and proximate result of the intentional and/or negligent acts of
22 Defendants, Plaintiffs were required to seek medical treatment and care, and will be required to
23 seek future medical treatment and care, the exact amount of the expense for medical treatment
24 and care will be established at the time of trial.

1 3.3 As a further direct and proximate result of the intentional and/or negligent acts of
2 the Defendants, said Defendants deprived Plaintiffs of their physical property, the tools of their
3 trade, and/or their work product, and acted with specific intent to deprive them of their work
4 product.

5 3.4. Plaintiffs are entitled to compensation for the Constitutional harms Defendants
6 inflicted on them including loss of liberty, intentional deprivation of property, and arbitrary and
7 excessive exercise of force against them.

8 3.5. As a result of Defendants intentional and/or negligent conduct, Plaintiffs were
9 forced to defend themselves against improper criminal actions and to retain counsel to vindicate
10 them in those cases, to which they are entitled to be reimbursed.
11

12
13 IV. CAUSES OF ACTION:

14
15 COUNT ONE

16 Violation of Civil Rights

17 (Title 42 U.S.C. Section 1983)

18 (AS TO ALL PLAINTIFFS)

19 (As To All Individual Defendants)

20
21 4.1. Plaintiffs reallege and incorporate herein by reference the allegations set forth in
22 Paragraphs 1 through 3.5 of this complaint.
23
24

1 4.2. In committing the acts complained of herein, Defendants acted under color of state
2 law to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including,
3 but not limited to:

- 4 (a) the right not to be deprived of liberty without due process of law;
5 (b) the right to be free from invasion or interference with Plaintiffs' zone of privacy;
6 (c) the right to freedom of speech;
7 (d) the right to freedom of association;
8 (e) the right to equal protection of the law;
9 (f) the right to petition the government for a redress of grievances;
10 (g) the right to be free from police use of excessive force;
11 (h) the right to be free from discriminatory law enforcement;
12 (i) The right to be free from unreasonable search and seizure.

13 4.3 In violating Plaintiffs rights as delineated above, and other rights according to proof,
14 Defendants acted by direct arrest and/or use of force, or by setting the chain of events in motion
15 that led to those arrests and uses of force, Defendants acted to violate Plaintiffs rights under the
16 First, Fourth, Fifth, and Eighth Amendments to the U.S. Constitution.
17

18 4.4. Defendants specifically violated Plaintiffs' First, Fourth, Fifth and 14th Amendment
19 Rights by acting to retaliate against Plaintiffs for their exercise of their First Amendment Rights
20 to gather, associate, and express their political views.
21

22 4.5 As a direct and proximate result of the violation of their Constitutional rights by
23 Defendants Plaintiffs suffered general and special damages as alleged in this complaint for an
24 amount to proven at trial.

COUNT TWO

(Title 42 U.S.C. Section 1983)

(As To Defendants CITY OF SEATTLE and SEATTLE POLICE DEPARTMENT)

4.8 At all times herein mentioned, Defendant SANFORD acted in his official capacities as a Captain of Defendant SEATTLE POLICE DEPARTMENT and pursuant to a policy of the CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT, and directly controlled by the Seattle Police Department to deprive Plaintiffs and others of their rights secured by the Constitution of the United States, including, but not limited to their rights under the First, Fourth, Fifth, and 14th Amendments to the U.S. Constitution.

4.9 At all times herein mentioned, Defendant SANFORD acted in his official capacities as Captain of Defendant Seattle Police Department's and pursuant to a policy of the CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT to deprive Plaintiffs and others of their

1 rights secured by the Constitution of the United States, including, but not limited to their rights
2 under the First, Fourth, Fifth, and 14th Amendments to the U.S. Constitution.

3 4.10. In committing the acts complained of herein and in their official capacities as
4 officials of Defendant CITY OF SEATTLE, and SEATTLE POLICE DEPARTMENT
5 Defendants SANFORD and WILSKE acted with a design and intention to deprive Plaintiffs of
6 their rights secured by the Constitution of the United States and acted with deliberate
7 indifference to Plaintiffs rights.
8

9 4.11. As a direct and proximate result of the acts complained of herein, Plaintiffs have
10 suffered general and special damages as set forth in this complaint for an amount to proven at
11 trial.

12 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth

13
14 COUNT THREE

15 Violation of Civil Rights

16 (WASHINGTON STATE CONSTITUTION)

17 (As to All Plaintiffs)

18 (As to All Defendants)
19

20 4.13 Plaintiffs reallege and incorporate herein by reference the allegations set forth in
21 Paragraphs 1 through 4.12 of this complaint.

22 4.14 Defendants' use of force on Plaintiffs was unlawful because it was based on
23 conduct that is protected as freedom of the press and freedom of speech under Article 1 of the
24 Washington State Constitution, Section 5.

25 COMPLAINT FOR DAMAGES -
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4.15 Plaintiffs were acting legal observers and were not obstructing or interfering with Defendants' duties. Defendants had no legal reason to use force on Plaintiffs and did so in direct retaliation for their exercise of those Article 1 Rights.

4.16 All Plaintiffs were arrested for exercising their Article I protected right to free speech without obstructing the arrests or any other police activity.

4.17 As a direct and proximate result of the violation of their Constitutional rights by Defendants Plaintiffs suffered general and special damages as alleged in this complaint for an amount to proven at trial.

4.18 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiff's pray for relief as hereinafter set forth.

COUNT FOUR

Assault and Battery

(AS TO ALL PLAINTIFFS)

(As to All Defendants)

4.19 Plaintiffs reallege and incorporate herein by reference the allegations set forth in Paragraphs 1 through 4.18 of this complaint.

4.20. Defendants use of blows, use of chemical agents, use of less-lethal and impact projectiles including rubber balls, wooden dowels and batons, and all other physical contact pursuant to the activities carried out against all Plaintiffs on June 2, 2003, was carried out

1 intentionally, without consent or lawful authority, or legitimate police purpose, and therefore
2 constituted common law battery.

3 4.21 All of the above tortious conduct caused Plaintiffs to reasonably fear imminent
4 harm to their health and safety, and additional tortious use of force. This fear constitutes a
5 common law assault.

6 4.22 As a direct and proximate result of the violation of their rights by Defendants, and
7 of Defendants' tortious conduct towards Plaintiffs, Plaintiffs suffered general and special
8 damages as alleged in this complaint for an amount to proven at trial.

9 4.23 The abuse of Plaintiffs was directly and proximately caused by Defendants'
10 operations plan and the attitudes towards the demonstration and towards Plaintiffs that allowed it
11 to be created and implemented and promoted the hostile climate towards Plaintiffs' First
12 Amendment protected activities and the conduct to which Plaintiffs and others were subjected.

13 4.24 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and
14 was of such a nature that punitive damages should be imposed in an amount commensurate with
15 the wrongful acts alleged herein.

16 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

17
18
19 COUNT FIVE

20 Common Law /Conversion/ Trespass to Chattel

21 (AS TO PLAINTIFFS HILDES AND JONES)

22 (As to all Defendants)

23 4.25. Plaintiffs reallege and incorporate herein by reference the allegations set forth in
24 Paragraphs 1 through 4.24 of this complaint.

25 COMPLAINT FOR DAMAGES –
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1 4.26. Plaintiffs HILDES and JONES were sprayed extensively with pepper spray. As a
2 result, Plaintiffs had to dispose of articles of clothing they were wearing at the time of the
3 Incidents.

4 4.27 The destruction of Plaintiffs' clothing by making it unusable because of
5 contamination with pepper spray constitutes common law conversion or trespass to chattels.

6 4.28 As a direct and proximate result of the violation of their Constitutional rights by
7 Defendants and Defendants' other tortious conduct, Plaintiffs suffered general and special
8 damages as alleged in this complaint for an amount to be proven at trial.

9 4.29 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and
10 was of such a nature that punitive damages should be imposed in an amount commensurate with
11 the wrongful acts alleged herein.

12 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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14
15 COUNT SIX

16 Intentional Infliction of Emotional Distress

17 (AS TO ALL PLAINTIFFS)

18 (As to All Defendants)

19
20 4.30 Plaintiffs reallege and incorporate herein by reference the allegations set forth in
21 Paragraphs 1 through 4.29 of this complaint.

22 4.31 In carrying out the plan and acts alleged throughout this complaint, Defendants, and
23 each of them sought to cause emotional distress and trauma to Plaintiffs and others, and Plaintiffs
24 did suffer such emotional distress with accompanying physical symptoms.

25 COMPLAINT FOR DAMAGES -
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1 4.32 As a direct and proximate result of the violation of his constitutional rights by
2 Defendants and their other tortuous conduct against them, Plaintiffs suffered general and special
3 damages as alleged in this complaint for an amount to be proven at trial.

4 4.33 The conduct of Defendants was willful, malicious, oppressive, and/or reckless,
5 and was of such a nature that punitive damages should be imposed in an amount commensurate
6 with the wrongful acts alleged herein.

7 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.
8

9
10 COUNT SEVEN

11 Negligence

12 (AS TO ALL PLAINTIFFS

13 (As to All Defendants)
14

15 4.34 Plaintiffs reallege and incorporate herein by reference the allegations set forth in
16 Paragraphs 1 through 4.33 of this complaint.

17 4.35 Defendants, and each of them, owed Plaintiffs a duty to use due care at or about the
18 times of the aforementioned incidents.

19 4.36 In committing the aforementioned acts and/or omissions, Defendants, and each of
20 them, negligently breached said duty to use due care, directly and proximately resulting in the
21 injuries and damages to the Plaintiffs as alleged herein.

22 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.
23
24

COUNT EIGHT

42 USC §1983 - Violation of First Amendment Rights to Free Expression, Assembly, and
Association

(All Adult Plaintiffs Against all Individual Defendants)

4.37 Plaintiffs reallege and incorporate by reference herein paragraphs 1.1 through 4.36.

4.38 The conduct of all of the individual defendants violated the rights of Plaintiffs under the First and Fourteenth Amendments to the United States Constitution, to free expression, to free association, to assemble peacefully, and to petition the government for redress of grievances for which they seek redress pursuant to 42 USC § 1983.

4.39 Plaintiffs incurred medical expenses for the treatment of their injuries and are entitled to actual damages for medical expenses in an amount to be determined at trial.

4.40 As a direct and proximate cause of defendants' actions, each of the plaintiffs suffered substantial physical injury, including but not limited to severe eye and skin burning, skin swelling and redness, wheezing and otherwise labored breathing, coughing, and temporary blindness. Plaintiff HILDES also suffered substantial physical injury from being shot with impact weapons, including baton rounds, wooden dowels, or pepper balls, and from being struck with a bicycle. Plaintiff WEILL also suffered substantial physical injury from being struck by one of Defendants' bicycles. Plaintiff HAMILTON also suffered substantial physical injury from being struck by batons wielded by Defendants. Plaintiffs also suffered substantial physical injuries due to other assaults and batteries perpetrated by Defendants.

4.41 In addition to their physical pain and suffering, each of the adult plaintiffs also suffered emotional injuries and a severe limitation of their ability to practice and enjoy their rights guaranteed to them as citizens of the United States of America under the United States Constitution. As compensation, each of the adult plaintiffs should be awarded general damages in an amount to be proven at trial.

4.42 In addition to the immediate pain and suffering incurred by these plaintiffs, it is

likely that they also will suffer long-term health effects from the chemical agents, and Plaintiff HILDES from the back injury he suffered. As compensation, each of the adult plaintiffs should be awarded general damages in an additional amount to be proven at trial.

4.43 Defendants acted with malicious intent and with reckless and callous indifference to Plaintiffs' health, safety, and federally protected rights. Their conduct was extreme and outrageous and these defendants could not have reasonably believed their conduct was justified or related to any legitimate police purpose. As such, plaintiffs seek damages in an amount to be proven at trial.

4.44 Plaintiffs are entitled to their reasonable costs and attorneys fees pursuant to 42 U.S.C. §1988.

COUNT NINE

42 USC §1983 - Violation of First Amendment Rights to Free Expression and Assembly
(All Plaintiffs Against City of Seattle)

4.45 Plaintiffs recalle and incorporate by reference hercin paragraphs 1.1 through 4.44.

4.46 The customs, policies, and practices of defendant City of Seattle described in this Complaint, caused violations by the individually named police officers and supervisors of the rights of Plaintiffs under the First and Fourteenth Amendments to the United States Constitution, to free expression, to free association, to assemble peacefully, and to petition the government for redress of grievances for which they seek redress pursuant to 42 USC § 1983.

4.47 Plaintiffs incurred medical expenses for the treatment of their injuries. Plaintiffs are entitled to actual damages for medical expenses. Additional medical treatment may be incurred and the cost is yet to be determined.

4.48 As a direct and proximate cause of the actions of the municipal defendants, each of

1 the plaintiffs suffered substantial physical injury, including but not limited to severe eye and skin
2 burning, skin swelling and redness, wheezing and otherwise labored breathing, coughing and
3 temporary blindness. Plaintiffs also suffered substantial physical injury from being shot with
4 rubber balls, and/or stinger ball grenades, and/or flying batons, and/or wooden dowels, and/or
5 pepper balls. In addition to their physical pain and suffering, each of the adult plaintiffs also
6 suffered emotional injuries and a severe limitation of their ability to practice and enjoy their
7 rights guaranteed to them as citizens of the United States of America under the United States
8 Constitution. As compensation, each of the adult plaintiffs should be awarded general damages
9 in an amount to be proven at trial.

10 4.49 In addition to the immediate pain and suffering incurred by these plaintiffs, it is
11 likely that they also will suffer long-term health effects from the chemical agents. As
12 compensation, each of the adult plaintiffs should be awarded general damages in an additional
13 amount to be proven at trial.

14 4.50 Plaintiffs are entitled to their reasonable costs and attorneys fees pursuant to 42
15 U.S.C. §1988.

16 V. JURY TRIAL DEMAND

17 5.1. Plaintiffs hereby demand a jury trial in this matter.

18 VI. PRAYER

19 WHEREFORE, Plaintiffs pray for judgment against the Defendants as follows:

20 1. For general damages including pain and suffering together with special damages
21 for Plaintiff's reasonable and necessary legal expenses and medical expenses and related
22 treatment both past and future, the exact amount of which will be established at the time of trial;
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1 2. For punitive damages in an amount to be proven at trial pursuant to Federal and State
2 law;

3 3. For actual attorneys' fees and litigation costs pursuant to 42 U.S.C. 1988;

4 4. For statutory attorneys' fees and costs;

5 5. For court supervised crowd control and media access and enforcement policies;

6 6. To award Plaintiffs injunctive relief, specifically to order the Seattle Police to
7 cease and desist from spraying chemical agents, firing impact weapons including rubber balls,
8 wooden dowels and flying batons, firing pepper balls and throwing stinger ball or flash bang
9 grenades for the crowd control of peaceful protestors;

10
11 7. To declare that the Defendants violated the above named constitutional rights and
12 common law rights of all Plaintiffs;

13 8. To award Pre- and post-judgment interest on all amounts awarded; and

14 9. For such other and further relief as the Court deems just and proper.

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16 DATED this 18th day of May, 2006

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20 Isak Bressler, WSBA #31747
21 Attorney for the Plaintiffs